

(0-93-182)

ORDINANCE NUMBER O- 17959 (NEW SERIES)

ADOPTED ON AUG 10 1993

AN ORDINANCE AMENDING CHAPTER IX, OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING CHAPTER IX; AMENDING ARTICLE 1, DIVISION 1 BY AMENDING SECTION 91.0101; AMENDING DIVISION 2 BY ADDING SECTION 91.0201; RETITLING AND AMENDING SECTION, 91.0202; AMENDING SECTION 91.0203; RETITLING AND AMENDING SECTION 91.0205; AMENDING ARTICLE 2, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 92.0106-92.0108; AMENDING ARTICLE 3, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 93.0103, 93.0109, 93.0110; RENUMBERING AND AMENDING SECTION 93.0112 TO SECTION 93.0111; AMENDING ARTICLE 5, DIVISION 1 BY RETITLING, AMENDING AND RENUMBERING SECTION 95.0100 TO 95.0101; AMENDING AND RENUMBERING SECTIONS 95.0101 TO 95.0102; AMENDING AND RENUMBERING SECTION 95.0102 TO 95.0103; RENUMBERING SECTION 95.0103 TO SECTION 95.0104; AMENDING AND RENUMBERING SECTION 95.0104 TO 95.0105; AMENDING AND RENUMBERING SECTION 95.0105 TO 95.0106; RENUMBERING AND AMENDING SECTION 95.0106 TO 95.0107; AMENDING AND RENUMBERING SECTION 95.0107 TO 95.0108; AMENDING AND RENUMBERING SECTION 95.0108 TO 95.0109; RENUMBERING SECTION 95.0109 TO 95.0110; AMENDING AND RENUMBERING SECTION 95.0110 TO 95.0111; RENUMBERING AND AMENDING SECTION 95.0111 TO 95.0112; AMENDING AND RENUMBERING SECTION 95.0112 TO 95.0113; RENUMBERING SECTION 95.0118 TO 95.0114; RENUMBERING SECTION 95.0118.1 TO 95.0115; RENUMBERING SECTION 95.0120 TO 95.0116; RENUMBERING SECTION 95.0128 TO 95.0117; REPEALING SECTIONS 95.0126, 95.0127, 95.0129 AND 95.0130; ADDING SECTION 95.0130; ADDING SECTIONS 95.0131-95.0139; AMENDING ARTICLE 8, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 98.0101-98.0106; REPEALING SECTIONS 98.0107-98.0112; ADDING SECTION 98.0107; AMENDING AND RENUMBERING SECTION 98.0120 TO 98.0108; REPEALING SECTIONS 98.0121-98.0126, 98.0130-98.0143 AND 98.0150; ALL RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES FOR VIOLATIONS OF THE BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL, SIGN AND HOUSING CODES.

WHEREAS, the City Council adopted Council Policy No. 900-10, A Comprehensive Code Enforcement Program and Policy which recommended the consolidation of enforcement authority, remedies and procedures in Chapter I of the Municipal Code (City Manager's Report No. 91-387); and

WHEREAS, the City Manager and City Attorney presented a preliminary consolidation plan to the Committee on Transportation and Land Use on February 26, 1992 (City Manager's Report Nos. 92-74 and 92-66 of February 20, 1992 and City Attorney Report dated February 21, 1992); and

WHEREAS, the Committee on Transportation and Land Use on November 23, 1992 approved the City Attorney's plan to streamline and unify code enforcement authority, remedies and procedures in Chapters I, IV, V, VI, IX and X of the Municipal Code and also approved the City Manager's draft Administrative Regulations for administrative hearings; and

WHEREAS, the Committee on Transportation and Land Use approved the City Attorney's draft ordinances on April 21, 1993 and unanimously referred these amendments to the City Council for adoption; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter IX of the San Diego Municipal Code be and the same is hereby amended by retitling Chapter IX, to read as follows:

CHAPTER IX

Building, Housing and Sign Regulations

Section 2. That Chapter IX, Article 1, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.0101, to read as follows:

SEC. 91.0101 Title and Adoption

(a) [No change in text.]

(b) [No change in text.]

(c) Sections not Adopted. The following Sections or Subsections of the Uniform Building Code, 1991 Edition, are not adopted by the City of San Diego:

SECTION 101 TITLE

SECTION 103 SCOPE

SECTION 104 APPLICATION TO EXISTING BLDGS AND STRUCTURES

(b) Additions, Alterations or Repairs

(c) Existing Installations

(e) Moved Buildings and Temporary Buildings

(f) Historic Buildings

SECTION 106 MODIFICATIONS

SECTION 201 CREATION OF ENFORCEMENT AGENCY

SECTION 202 POWERS AND DUTIES OF BUILDING OFFICIAL

SECTION 203 UNSAFE BUILDINGS OR STRUCTURES

SECTION 204 BOARD OF APPEALS

SECTION 205 VIOLATIONS

SECTION 301 PERMITS
(b) Exempted Work
SECTION 302 APPLICATION FOR PERMIT
(b) Plans and Specifications
SECTION 303 PERMITS ISSUANCE
SECTION 304 FEES TABLE
3A BUILDING PERMIT FEES
SECTION 710 HELISTOPS
SECTION 2903 EXCAVATION AND FILLS
(a) General
SECTION 3203 ROOF COVERING REQUIREMENTS
(d) [No change in text.]
(e) [No change in text.]
(f) [No change in text.]

Section 3. That Chapter IX, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by adding Section 91.0201, to read as follows:

SEC. 91.0201 Creation of Enforcement Agency

The Neighborhood Code Compliance Department as established in Municipal Code Section 22.1801 shall have the primary responsibility for the enforcement of the Building, Electrical, Plumbing and Mechanical Codes as they apply to existing structures within the City of San Diego. The Director of the Neighborhood Code Compliance Department together with the Building Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of these codes.

Section 4. That Chapter IX, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Section 91.0202, to read as follows:

SEC. 91.0202 Enforcement Powers and Duties of Building Official and Neighborhood Code Compliance Director

(a) General. The Building Official and Director of the Neighborhood Code Compliance Department are authorized to enforce all provisions of the Building, Electrical, Plumbing and Mechanical Codes and appoint inspectors, technical experts, Enforcement Officials and other employees as may be necessary to carry out enforcement functions.

(b) Interpretation and Administrative Rules. Only the Building Official shall have the power to render interpretations of the Building, Electrical, Plumbing and Mechanical Codes. The Director of Neighborhood Code Compliance Department and Building Official have the power to adopt policies and regulations reasonably necessary to clarify the application of these codes. The interpretations, rules and regulations shall be in conformity with the intent and purposes of the Building, Electrical, Plumbing and Mechanical Codes.

(c) Enforcement Authority.

(1) Whenever the Director of the Neighborhood Code Compliance Department or Building Official determine that a building or structure violates any of the provisions of Articles 1, 2 or 3 of this Chapter, the Director or Building Official and their designated Enforcement Officials may

exercise any of the enforcement powers as set forth in Division 1, Article 2 of Chapter I of this Code.

(2) In addition to the general authority to inspect private property provided in Section 12.0103 of this Code, the Director or Building Official has the authority to enter a building, structure or premises to determine:

(A) whether a building is unsafe, substandard, dangerous as defined in this Division; and

(B) whether a building is of unreinforced masonry bearing wall construction.

(3) The Building Official or Director of the Neighborhood Code Compliance Department may report relevant violations of Articles 1, 2 or 3 of this Chapter to the State Contractors License Board or other appropriate licensing or regulatory agency.

(4) The Building Official or Director of the Neighborhood Code Compliance Department may issue a stop work notice pursuant to Section 91.0202(d) where appropriate.

(d) [No change in text.]

(e) Restoration and Mitigation. In addition to the remedies provided in Chapter I of this Code the Building Official or Director of the Neighborhood Code Compliance Department may order the reasonable restoration of a building, premises and any adjacent and affected site to its lawful condition or require reasonable mitigation. These

requirements can be attached as conditions to applicable permits or enforcement actions and orders as appropriate.

(1) Any restoration or mitigation imposed by the Building Official or Director shall be at the sole cost of the Responsible Person.

(2) Mitigation may be appropriate where the Building Official or Director determines that restoration of the building, premises or adjacent site to its lawful condition is not feasible or that irreparable damage has been done to a structure, environmentally sensitive area or habitat or historical structure.

(3) Mitigation may include the purchase or exchange of like-kind real property and structures of a similar or greater quality and value.

(4) The Building Official or Director may require a combination of restoration and mitigation of the building, premises or site depending upon the circumstances.

(5) The Building Official or Director may promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

Section 5. That Chapter IX, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.0203, to read as follows:

SEC. 91.0203 Unsafe, Substandard or Dangerous Buildings or Structures

(a) Declaration of Purpose. The Council finds that Unsafe, Substandard and Dangerous Buildings or Structures, as defined in Section 91.0203, are public nuisances by virtue of their conditions or defects to the extent that the life, health, property or safety of the public or their occupants are endangered. The Council further finds that immediate abatement of Unsafe, Substandard or Dangerous Buildings or Structures by repair, rehabilitation, demolition or removal is necessary to protect and preserve the safety of the citizens and communities where such structures are found. The procedures established in this Division are in addition to any other administrative, criminal or civil remedy established by law which may be pursued to address violations of this Municipal Code. This Division does not affect or alter other nuisance abatement procedures established in this Municipal Code.

(b) Definitions. For purposes of Section 91.0203, the following terms are defined below:

"Director" means the Director of the Building Inspection Department or Neighborhood Code Compliance Department or their designated Enforcement Officials.

"Dangerous Building" or "Dangerous Structure" means any building, structure, or portion thereof, which threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance,

dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.

"Responsible Person" means the person responsible for causing or maintaining a violation as defined in Section 11.0221 of this Code.

"Substandard Building" or "Substandard Structure" means any building or structure as defined in California Health and Safety Code Section 17920.3.

"Unsafe Building" or "Unsafe Structure" means any building or structure which satisfies any of the conditions listed in Section 91.0203(d).

(c) Conditions Causing a Dangerous Building or Structure. Physical or structural conditions which may cause a structure to be classified as a Dangerous Building or Dangerous Structure include any one of the following conditions:

(1) The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe that it does not provide a safe and adequate means of exit in case of fire or panic;

(2) Any portion, member or appurtenance of a building or structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge;

(3) Any portion of a building or structure, that is likely to partially or completely collapse because of:

(i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting the building; (iv) the deterioration, decay or inadequacy of its foundation; or, (v) any other cause;

(4) The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance, or a harbor for transients, vagrants, or criminals or to enable persons to commit unlawful acts;

(5) Any building or structure used or intended to be used for dwelling purposes which, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, is unsanitary, unfit for human habitation or in a condition likely to cause sickness or disease;

(6) The building or structure creates a fire hazard by virtue of its obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause;

(7) The building or structure constitutes a public nuisance as defined by law;

(8) A portion of a building or structure (including the foundation and slab or grade) remains on a site after the demolition or destruction of the building or

structure, or any building or structure which has been abandoned for a period in excess of six (6) months in a manner that it constitutes an attractive nuisance or hazard to the public;

(9) The exits of the building or the means to exit do not conform with the applicable provisions of the Municipal Code regarding the number of exits, their width or any other features which may cause a hazard to the life or safety of the occupants or general public;

(10) Defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated fuel combustion equipment or combustion product vents are present;

(11) The existing use or occupancy violates the fire, health or building regulations of the Municipal Code.

(d) Conditions Causing an Unsafe Building or Structure. The conditions which may cause a structure to be classified as an Unsafe Building or Unsafe Structure include any one of the following conditions:

(1) The building contains one or more structural components which cannot withstand 100 percent of the vertical design loads as required by the applicable version of the Uniform Building Code.

(2) The building contains one or more structural components of the lateral load resisting system which cannot withstand 25 percent of the wind or earthquake forces as

required by the applicable version of the Uniform Building Code.

(3) The building contains parapet walls or other building appendages which are not capable of resisting the wind or earthquake forces as required by the applicable version of the Uniform Building Code.

(e) Procedures for Notice and Order.

(1) Whenever the Director determines that a building, structure or any portion thereof is unsafe, substandard or dangerous as defined in Section 91.0203, the Director may commence administrative abatement proceedings by issuing a written Notice and Order to the Responsible Person to abate a public nuisance.

(2) The Notice and Order shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.

(3) The Notice and Order shall refer to the conditions listed in San Diego Municipal Code Section 91.0203 which render the property or structure unsafe, substandard or dangerous.

(4) The Notice and Order shall describe the action required to abate the public nuisance, which may include any or all of the following measures:

(A) Repair and Rehabilitation. If the Director determines that the building or structure can be reasonably repaired, the Notice and Order shall require that all necessary permits be obtained immediately and the work

physically commenced within a specified time. The Director shall establish reasonable time frames to obtain permits and complete all repairs.

(B) Demolition. If the Director determines that the building or structure cannot be reasonably repaired within the guidelines established in California Health and Safety Code Section 17980, the Notice and Order shall require that all necessary permits be immediately obtained and that demolition shall be completed within a specified period of time as established by the Director.

(C) Vacation and Notice to Tenants. If the Director determines that vacation of the structure is necessary for demolition or repairs, the Notice and Order shall require the expeditious vacation of the structure consistent with applicable laws and within a reasonable period of time as established by the Director.

(D) Clean and Secure. If the building or structure is vacant or abandoned before or during repairs, rehabilitation or demolition, or after vacation of the tenants is complete, the Notice and Order may require the Responsible Person to immediately clean and secure the property according to the procedures and standards enacted in Division 3, Article 4 of Chapter V of this Code.

(5) The Notice and Order shall also explain the consequences should the Responsible Person fail to comply with the terms of the Notice and Order.

(6) The Notice and Order shall identify all hearing rights.

(7) The Notice and Order, and any supplemental Notice and Order, shall be served by one of the methods of service set forth in Section 11.0301 of this Code.

(8) If the building or structure is rented or leased for residential occupancy, the Notice and Order shall contain a provision notifying the Responsible Person about the possible denial of state income tax benefits pursuant to definitions and procedures found in California Health and Safety Code Section 17980(d).

(9) A copy of the Notice and Order shall be provided to all tenants of a residential building pursuant to California Health and Safety Code Section 17980(c).

(10) The Notice and Order shall require the Responsible Person, within ten (10) calendar days from the date the notice is served, to provide the Director with a written statement of his or her intent to abate the public nuisance.

(f) Extensions of Time. Upon receipt of a written request for an extension from the Responsible Person and a written agreement that the Responsible Person will comply with the Notice and Order if allowed additional time, the Director may grant an extension of time. The extension shall not exceed an additional one hundred and twenty (120) calendar days to complete the repairs, rehabilitation or demolition. The Director may grant the extension only if it

is determined that such an extension of time will not create or perpetuate a situation dangerous to life or property and that the circumstances which justify the delay are beyond the direct control of the Responsible Person.

(g) Failure to Comply with Notice and Order. The Director shall schedule an administrative enforcement hearing as provided in Division 4, Article 2 of Chapter I of this Code when any of the following situations occur:

(1) The Responsible Person served with the Notice and Order fails to comply with any of its terms; or

(2) The required work or demolition is not commenced or finished within the time specified in the Notice and Order or is not performed in compliance with all applicable regulations; or

(3) The Responsible Person served with the Notice and Order files a written request for a hearing with the Director within ten (10) calendar days of the service of the Notice and Order.

(h) Recordation of Notice and Order. At any time after the Notice and Order is served upon the Responsible Person the Director may file in the Office of the County Recorder a copy of the Notice and Order describing the location of the property and the conditions that cause the building to be unsafe, substandard or dangerous.

Whenever the Responsible Person or the City completes the repairs or demolition as required by the Notice and Order, the Director shall file a notice with the County

Recorder that certifies that the building is no longer unsafe, substandard or dangerous. This shall have the effect of canceling the recorded Notice and Order.

(i) Repair, Vacation and Demolition Requirements. The Director shall apply the following standards in ordering the repair, vacation or demolition of any Unsafe, Substandard or Dangerous Building or Structure:

(1) The building or structure shall be repaired in accordance with the most recent edition of the Uniform Building Code, as adopted by the City of San Diego.

(2) No building designated as historical pursuant to the procedures set forth in Division 2, Article 6 of Chapter II of this Code may be demolished pursuant to Section 91.0203. The Responsible Person shall ensure that any and all repairs and corrective actions to an historical building will comply with all applicable state and local regulations and ordinances.

(3) The Responsible Person is primarily responsible for the relocation and associated costs of any tenants displaced as a result of an abatement action pursuant to this Division and must follow applicable requirements of state law. If relocation costs are incurred, it shall be the obligation of the Responsible Person to provide necessary and reasonable financial assistance to cover the costs of relocating the tenant.

(4) If relocation costs are paid by the City, the costs shall be assessed against the Responsible Person

as an abatement cost and may be recovered pursuant to procedures set forth in Division 3, Article 3 of Chapter I of this Code. The Director shall coordinate applicable public assistance to help in the relocation of any tenants.

(j) Posting of Signs. Once the Director orders the vacation of tenants or once the building is secured pursuant to the regulations in Municipal Code Section 54.0306, the Director shall post signs in substantially the following form at or near each entrance of the building:

DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building
or to remove or deface this notice

(SDMC SEC. 91.0203)

City of San Diego

(1) Trespass. It is unlawful for any person to remain in or enter any building which has been posted in accordance with Section 91.0203(j), except that entry may be made to repair or demolish such building under proper permit.

(2) Defacement. It is unlawful for any person to remove or deface any sign or notice after it is posted until the required repairs have been completed or until demolition is finished and all debris removed pursuant to the demolition permit.

(k) Abatement Hearing. Whenever the Director schedules an abatement hearing pursuant to Section

91.0203(g), the Enforcement Hearing Officer shall determine whether the structure is a public nuisance and if so order its repair, rehabilitation, vacation, or demolition by the Responsible Person, City work crews or a private contractor. The abatement hearing shall be conducted according to the administrative enforcement hearing procedures set forth in Division 4, Article 2 of Chapter I of this Code.

The Enforcement Hearing Officer shall only consider evidence that is relevant to the following issues:

(1) Whether the conditions of the building or structure listed in the Notice and Order constitute a public nuisance; and

(2) Whether the time frame and method of abatement by repair, rehabilitation, vacation or demolition as listed in the Notice and Order are reasonable under the circumstances; and

(3) Whether the City may abate the conditions causing the public nuisance if the Responsible Person fails to do so.

(1) Enforcement Hearing Officer Decision. Once all evidence and testimony is completed, the Enforcement Hearing Officer shall decide to either affirm, reject or modify the Director's decision. If the Enforcement Hearing Officer confirms the existence of a public nuisance, the Enforcement Hearing Officer may issue an order that compels the Responsible Person to abate and permits the City to abate the conditions causing the public nuisance pursuant to the

procedures set forth in Division 4, Article 2 of Chapter I of this Code.

(m) Failure to Comply with Administrative Enforcement Order. If the Responsible Person served with an Enforcement Hearing Officer's order fails to comply with the terms of the order, the Responsible Person may be prosecuted under Section 12.0414 of this Code and the Director may commence appropriate abatement action following the procedures as set forth in Section 91.0203.

(n) Interference with Repair or Demolition Work Prohibited. It is unlawful for any person to obstruct, impede or interfere with any officer, employee or contractor or authorized representative of the City of San Diego or any person who owns or holds any estate or interest in a building while they conduct repairs, vacate tenants or demolish pursuant to the provisions of Section 91.0203.

(o) Performance of Work. Any repair, demolition, work or vacation of tenants done by the City following service of the Administrative Enforcement Order may be accomplished by City work crews or by private contractor.

(p) Recovery of Repair, Demolition or Vacation Costs. All costs incurred by the City to implement the Administrative Enforcement Order, including the costs for all administrative processing, physical work and abatement hearings, shall be assessed and collected pursuant to the procedures provided in Division 3, Article 3 of Chapter I of this Code.

(q) Summary Abatement. Notwithstanding the administrative procedures specified in Section 91.0203 for the abatement of a public nuisance, whenever a Director determines that a building or structure is unsafe, substandard or dangerous and that it creates an imminent hazard to the life, health and safety of its occupants or the general public, a Director may exercise any of the summary abatement powers and follow the procedures provided in Division 7, Article 3 of Chapter I of this Code.

Once the Director has taken the appropriate summary abatement action, the Director may then follow the administrative procedures as specified in Section 91.0203, or pursue any other judicial or administrative remedy available under the law.

(r) The City's Nuisance Abatement Superfund, as established by 13.0308 of this Code, may be used to pay for all costs incurred during the course of the administrative and summary abatement, including relocation costs and other special costs as determined by the Director.

Section 6. That Chapter IX, Article 1, Division 2 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Section 91.0205, to read as follows:

SEC. 91.0205 Violations and Enforcement Remedies

(a) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure, or cause the same to be done, in

violation of any provision of this Article or contrary to any order or permit issued by the Director of the Neighborhood Code Compliance Department or Building Official.

(b) Violations of this Article may be prosecuted as misdemeanors subject to the penalties provided in Municipal Code Section 12.0201. The Director of Neighborhood Code Compliance or Building Official may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

(c) Violations of this Article shall be treated as strict liability offenses regardless of intent.

Section 7. That Chapter IX, Article 2, Division 1 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Sections 92.0106, 92.0107 and 92.0108, to read as follows:

SEC. 92.0106 Enforcement Authority and Duties

(a) The Building Official and the Director of the Neighborhood Code Compliance Department are authorized to administer and enforce the provisions of this Article by using the powers set forth in Municipal Code Sections 91.0201 and 91.0202.

(b) In addition to the powers set forth in Section 92.0106(a), the Building Official and Director of Neighborhood Code Compliance Department and any of their designated Enforcement Officials have the authority during

reasonable hours or at any time extreme danger exists to enter any building or structure in the discharge of their official duties to:

(1) inspect, reinspect or test the installation of electrical wiring, devices, appliances and equipment;

(2) disconnect or cut any wire necessary to protect public safety, life or property or where the wire may interfere with the work of the Fire Department; or

(3) disconnect or order the discontinuance of electrical service to any electrical wiring, device, appliance, or equipment found to be dangerous to the public safety, life or property because they are defective or defectively installed or maintained.

(c) The Building Official and Director may withhold permission to connect electrical service to any building or structure until such building is approved for occupancy.

(d) The Building Official shall, upon a complete application, grant permits for the installation or alteration of electrical wiring, devices, appliances, and equipment and shall make inspection of electrical installations, as provided in this Article.

(e) The Building Official shall keep complete records of all permits issued, inspections, and reinspections made and other official work performed in accordance with the provisions of this Article.

SEC. 92.0107 Enforcement Remedies

(a) Violations of this Article may be prosecuted as misdemeanors subject to the penalties and custody provided in Municipal Code Section 12.0201. The Director of the Neighborhood Code Compliance Department or the Building Official may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or may also pursue any administrative remedy provided in Chapter I of this Code.

(b) Violations of this Chapter shall be treated as strict liability offenses regardless of intent.

SEC. 92.0108 General Prohibitions

(a) It is unlawful for any person, either as owner, architect, contractor, artisan, or otherwise to install any electrical wiring, device, appliance, or equipment in such a manner that it does not conform with the provisions of this Article.

(b) It is unlawful for any person to maintain an electrical system which was not legally installed pursuant to this Article, or which is, notwithstanding compliance with this Article, is maintained in an unsafe condition as determined by the Building Official or the Director of the Neighborhood Code Compliance Department.

(c) It is unlawful for any person to sell, offer for sale, loan, rent or dispose of by gift or premium any electrical materials, device or appliance designed or intended for attachment directly or indirectly to any

electrical system, circuit, or electrical service for light, heat or power in the City of San Diego, unless the electrical material, device or appliance complies with the provisions of this Article.

Section 8. That Chapter IX, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Sections 93.0103, 93.0109, 93.0110, to read as follows:

SEC. 93.0103 Enforcement Authority and Duties

(a) The Building Official and the Director of the Neighborhood Code Compliance Department are authorized to administer and enforce the provisions of this Article by using the powers as set forth in San Diego Municipal Code Sections 91.0201 and 91.0202.

(b) If the Building Official is satisfied that the work described in an application for permit and the accompanying plans conform to the requirements of this Article, other pertinent laws and ordinances, and that the fee specified in Division 4 of this Article has been paid, the appropriate permit shall be issued to the applicant.

(c) The Building Official shall make inspections and reinspections of all installations and keep complete records of all permits issued, inspections, and reinspections.

(d) In addition to those powers and authority set forth in Section 93.0103(a), the Building Official or Director of Neighborhood Code Compliance Department may:

(1) disconnect or remove any appliance, installation, fixture or meter associated with a plumbing, heating, mechanical, hydraulic, ventilating, air conditioning, electrical or refrigeration system, or any related technology or application when necessary for the protection of public health, and fire and life safety;

(2) withhold permission to install or operate any gas or electrical meter for a building or structure until approved for occupancy; or

(3) disconnect or cease the operation of gas or electrical services when a building or structure is not occupied or is unfit or unsafe for occupancy.

SEC. 93.0109 General Prohibitions, Enforcement Remedies, and Requirements

(a) It is unlawful for a person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing, heating, ventilating, comfort cooling, or refrigeration equipment, or cause the same to be done, contrary to or in violation of any provision of this Article.

(b) Violations of this Article may be prosecuted as misdemeanors subject to the penalties provided in Municipal Code Section 12.0201. The Building Official or the Director of Neighborhood Code Compliance Department may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or may also

pursue any administrative remedy provided in Chapter I of this Code.

(c) Violations of this Article shall be treated as strict liability offenses regardless of intent.

(d) Maintenance of equipment which was unlawful at the time it was installed shall constitute a continuing violation of this Article. Existing plumbing, heating, ventilating, comfort cooling, and refrigeration equipment, however, shall be deemed to have conformed with applicable law in effect at the time of installation if currently in good and safe condition and working properly. Such existing equipment may be used in connection with alterations or repairs if it has been properly maintained in good condition.

SEC. 93.0110 Authority to Abate Unsafe, Substandard or Dangerous Buildings

When any buildings or premises have been inspected by the Building Inspection or Neighborhood Code Compliance Departments and the new or existing plumbing, heating, ventilation, air conditioning, or refrigeration is found to be defective, hazardous, or in violation of the provisions of this Article, the Building Official or Director of Neighborhood Code Compliance Department may abate such conditions or structures in accordance with the provisions of Section 91.0203.

Section 9. That Chapter IX, Article 3, Division 1 of the San Diego Municipal Code be and the same is hereby amended by

renumbering and amending Section 93.0112 to Section 93.0111, to read as follows:

SEC. 93.0111 Stop Orders

Whenever any work is being done contrary to the provisions of this Article, the Building Official or Director of Neighborhood Code Compliance Department may order work stopped by serving a notice in writing on any persons engaged in doing or causing work to be done. Any persons served with a notice shall immediately stop such work until authorized by the Building Official or Director to proceed. The provisions of Section 91.0303(f) govern the suspension or revocation of permits.

Section 10. Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by retitling, amending and renumbering Section 95.0100 to Section 95.0101, to read as follows:

SEC. 95.0101 Administration, Enforcement, and Definitions

(a) This Division shall be administered and enforced by the City Manager, the Director of the Neighborhood Code Compliance Department and any of their designated Enforcement Officials.

(b) The term "Director" as used in this Division means the Director of the Neighborhood Code Compliance Department.

(c) For purposes of this Division, "Responsible Party" means any person, organization or other entity that directly or indirectly benefits from the information contained on the sign.

Section 11. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0101 to Section 95.0102, to read as follows:

SEC. 95.0102 Public Property Limitations

(a) It is unlawful for any person or any Responsible Party to place, post, paint or secure any sign, lettering, poster or notice of any kind, or cause the same to be done on public property, including the public rights-of-way, or on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way, except those signs that are lawfully authorized in Section 95.0102(d) and (e).

(b) [No change in text.]

(c) [No change in text.]

(d) [No change in text.]

(e) It is unlawful to construct or install street banners or decorations over public property except as permitted in Section 95.0102 and only after the issuance of a valid permit.

(1) The applicant for a permit shall pay a fee as established by resolution of the City Council and filed in the office of the City Clerk. If no permit is issued, a portion of the application fee as determined by City Council and filed in the office of the City Clerk may be refunded. A permit may be granted upon the condition that the

permittee shall indemnify and save free and harmless the City of San Diego against any of the liabilities mentioned in Section 95.0102(e).

The applicant shall file with the City a policy of insurance against public liability and property damage with an insurance carrier satisfactory to the City. The public liability and property damage insurance policy shall provide coverage in an amount of not less than \$100,000 for one person injured in one accident; not less than \$300,000 for more than one person injured in one accident; and not less than, \$25,000 with respect to any property damage in any one accident. The policy shall name the City of San Diego as an additional insured; and the policy shall be maintained in full force and effect until such time as all banners, decorations, equipment, wiring and supports have been removed as determined by the Director. The requirements of this Section as to the amounts covered in the policy and as to the maintenance of insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages to persons or property.

(2) The Director may issue the permit for decoration in accordance with the conditions imposed in Section 95.0102(e). The permit shall state the purpose of the decorations, the maximum duration that any set or series of decorations may be posted and the dates on which such decorations must be removed.

Conditions of approval include, but are not limited to, the following:

(A) [No change in text.]

(B) [No change in text.]

(3) Applications for permits shall be made in the following manner:

(A) A written application on prescribed forms shall be submitted to the Director.

(B) [No change in text.]

(C) [No change in text.]

Section 12. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0102 to Section 95.0103, to read as follows:

SEC. 95.0103 Permits Required

(a) Before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, every person, firm or corporation shall obtain from the Director a Sign Permit. The Sign Permit will include authorization for any electrical work within the sign. A separate Sign Permit shall be required for each sign. Sign Permits will not be issued to any business maintaining a nonconforming sign or signs unless the proposed work includes the removal or modification of all such nonconforming signs to conform to the provisions of this Division.

When structural or electrical engineering analysis is required, the analysis shall be approved by the Building Official. Where the installation of a sign would require modification of a structure, a Building Permit may be required pursuant to Chapter IX, Article 1 of this Code.

(b) Before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, every person, firm or corporation shall obtain from the Director a Maintenance Certification Sticker. A sticker is required for each on-premises sign. This sticker is applicable to one sign at one location only and is transferable to a new owner or lessee.

(c) Before erecting, installing, placing, constructing, altering or moving any temporary sign (including wind signs), every person, firm or corporation shall obtain from the Director a Temporary Sign Use Permit. A separate Temporary Sign Use Permit shall be required for each sign except in the case of street banners where one sign use permit will be issued for the entire project.

(d) A sign permit is not required for signs required by the Fire Department to designate fire lanes on private or public property.

Section 13. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 95.0103 to Section 95.0104.

SEC. 95.0104 Permits Not Required

[No change in text.]

Section 14. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0104 to Section 95.0105, to read as follows:

SEC. 95.0105 Inspections Required

(a) Sign Permit. All work for which a Sign Permit is required shall be inspected by the Director. The permittee or his agent shall notify the Director at least 24 hours in advance that the work is ready for inspection, at the following stages:

- (1) [No change in text.]
- (2) [No change in text.]
- (3) [No change in text.]
- (4) After erection, installation, construction, or creation by painting is completed.

The Building Official, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.

The Director, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to

comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.

(b) Maintenance Certification Sticker. All signs for which a sticker is required shall be subject to inspection by the Director. The Director and his or her deputies are hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being obeyed. Such entrance shall be made during business hours unless an emergency exists. A sign user shall provide all necessary access and equipment to the Director for the purpose of conducting the required inspection.

Section 15. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0105 to Section 95.0106, to read as follows:

SEC. 95.0106 Expiration or Revocation of Permits

(a) Expiration. Every sign permit issued by the Director under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new sign permit shall be first obtained so to do, and the fee therefore shall be one-half the amount required for a new sign permit for such work, provided no changes have been made or will be made in the original plans

and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

(b) Extensions. Any permittee holding an unexpired sign permit may apply for an extension of the time within which he may commence work within the time required by this section for good and satisfactory reasons. The Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken, and provided that the permittee changes the plan, specifications and other data which define the work permitted, as necessary to show compliance with this Code or any other ordinance, statute, or regulation in effect at the time of the extension. No sign permit may be extended more than twice. In order to renew action on a sign permit after expiration, the permittee shall pay a new full permit fee.

(c) Suspension or Revocation. The Director may suspend or revoke a sign permit issued under the provisions of this Code whenever the sign permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code. Any suspension or revocation issued under Section 95.0106(c) shall be in writing.

Section 16. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by

renumbering and amending Section 95.0106 to Section 95.0107, to read as follows:

SEC. 95.0107 Sign Permit Application

[No change in text.]

- (a) [No change in text.]
- (b) [No change in text.]
- (c) [No change in text.]
- (d) [No change in text.]
- (e) [No change in text.]
- (f) [No change in text.]
- (g) [No change in text.]
- (h) [No change in text.]
- (i) [No change in text.]

Section 17. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0107 to Section 95.0108, to read as follows:

SEC. 95.0108 Permit Fees

(a) General. [No change in text.]

(b) Sign Permit Fee. Fees for sign permits for each sign erected, installed, affixed, structurally or electrically altered, relocated, or created by painting shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

The Director is authorized to determine whether a portion of the fees provided for in Section 95.0108 may be

refunded in the event that no portion of any work authorized by the permit has been performed and provided that no inspections have been made. The Director may issue this refund upon application by the permittee within 90 days from the date of permit issuance. Prior to authorization of any refund under Section 95.0108, the Director shall require the return of both the permittee's copy of the issued permit as well as the sign permit sticker.

(c) [No change in text.]

(d) Temporary Sign Use Permits. [No change in text.]

Section 18. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0108 to Section 95.0109, to read as follows:

**SEC. 95.0109 Conditions for Maintenance Certification
Inspection**

(a) The Director shall make a visual inspection of each sign controlled by this Division.

(b) [No change in text.]

(c) [No change in text.]

Section 19. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 95.0109 to Section 95.0110.

SEC. 95.0110 Removal of Nonconforming Signs

[No change in text.]

Section 20. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by

amending and renumbering Section 95.0110 to Section 95.0111, to read as follows:

SEC. 95.0111 Sign Identification

- (a) [No change in text.]
- (b) [No change in text.]
- (c) Display of a sign without a City of San Diego

Maintenance Certification Sticker shall constitute a violation of this Code and the Director may proceed as provided by Section 12.0201.

Section 21. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering and amending Section 95.0111 to Section 95.0112, to read as follows:

SEC. 95.0112 Structural Design

- (a) [No change in text.]
- (b) [No change in text.]
- (c) [No change in text.]
- (d) [No change in text.]
- (e) [No change in text.]
- (f) [No change in text.]

Section 22. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by amending and renumbering Section 95.0112 to Section 95.0113, to read as follows:

SEC. 95.0113 Construction Material and Installation Standards

- (a) [No change in text.]

(b) [No change in text.]

(c) [No change in text.]

(d) [No change in text.]

(e) Plastic. The Director shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, the Director may approve its use. Manufacturer's recommendations will be utilized when available and applicable. The following requirements represent the acceptable minimum for normal conditions:

(1) [No change in text.]

(2) [No change in text.]

(f) [No change in text.]

(g) [No change in text.]

Section 23. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 95.0118 to Section 95.0114.

SEC. 95.0114 Existing Signs

[No change in text.]

Section 24. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 95.0118.1 to Section 95.0115.

SEC. 95.0115 Nonconforming Signs on Rezoned Property

[No change in text.]

Section 25. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 95.0120 to 95.0116.

SEC. 95.0116 Signs on Annexed Property

[No change in text.]

Section 26. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 95.0128 to 95.0117.

SEC. 95.0117 Liability

[No change in text.]

Section 27. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 95.0126, 95.0127, 95.0129 and 95.0130.

Section 28. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 95.0130, to read as follows:

SEC. 95.0130 Enforcement Authority

The Director and any of his or her designated Enforcement Officials may exercise any of the enforcement powers provided in Division 1, Article 2 of Chapter I of this Code. The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.

Section 29. That Chapter IX, Article 5, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 95.0131, 95.0132, 95.0133, 95.0134, 95.0135, 95.0136, 95.0137, 95.0138 and 95.0139, to read as follows:

SEC. 95.0131 General Prohibitions and Enforcement Remedies

(a) It is unlawful for any person, including a Responsible Party as defined in Section 95.0101, to erect, place, post, construct, reconstruct, alter, maintain or move any sign in violation of any provision contained in this Division.

(b) Violations of this Division may be prosecuted as misdemeanors subject to the penalties and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code. In addition to the general remedies in Chapter I, the Director may use the special sign abatement procedures found in Sections 95.0133 and 95.0135 of this Division.

SEC. 95.0132 Strict Liability

Violations of this Division shall be treated as strict liability offenses regardless of intent.

SEC. 95.0133 Abatement of Dangerous Signs

Where any sign is in danger of falling or is a threat to the safety of persons or property, the Director may issue to the Responsible Party in charge of the sign a written notice. The written notice shall specify the dangerous conditions of the sign, list any sign violation, order the immediate abatement of the dangerous conditions, and require either the removal of the sign or repair within the time specified in the notice. The Director shall serve this

notice upon the Responsible Party in accordance with Section 11.0301 of this Code. The Director may then follow the administrative abatement procedures in Municipal Code Sections 12.0601 through 12.0604.

SEC. 95.0134 Discontinuance of Businesses

The Director may require the removal of the on-premise signs advertising or identifying the establishment upon the discontinuance of the business or occupancy.

SEC. 95.0135 Sign Violations on Public Property

(a) It is unlawful for any person, including a Responsible Party, to place, post, paint or secure any sign, pennant, flag, banner, balloon, or similar attention-seeking device on public property or within the public rights-of-way.

(b) It is unlawful for any person to place any lettering, card, poster or notice of any kind, on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way.

(c) Those signs which have been authorized by a specific state statute or municipal ordinance and placed on public property or in the public rights-of-way shall not be treated as a violation of Section 95.0135.

(d) The Director or any of his or her Enforcement Officials may summarily abate a violation of Section 95.0135 by removing any unauthorized sign without prior notice and

may recover the costs incurred in removing any unauthorized signs by using any of the administrative or judicial procedures that are provided in Municipal Code Chapter I.

(e) If it is determined that removal of a sign may cause defacement or damage to private or public property, the Director shall notify the Responsible Party to remove the offending material within ten (10) calendar days or be billed for the costs of removal, repair, replacement or refinishing of the damaged or defaced public property. If immediate action is necessitated because of public safety considerations, the Responsible Party shall be billed for the necessary costs of removal, repair, replacement or refinishing. The Responsible Party who elects to remove the offending material shall be responsible for necessary costs of any repairs, replacement or refinishing to the satisfaction of the Director.

(f) Signs placed on public property or in the public rights-of-way, and summarily confiscated under the procedures of Section 95.0135 may be disposed of in any manner approved by the Director or any of the Director's Enforcement Officials.

(g) Any lettering, advertisement, card, poster, sign or notice which has been properly removed under Section 95.0135 may be returned to the owner or Responsible Party upon payment by the owner or Responsible Party to the City for the administrative cost of removal, as determined by the Director.

(h) If the Responsible Party fails to make a request for a hearing under Section 95.0136 or if no demand is made for the return of the materials removed within thirty (30) calendar days of the date of removal, then the Director is authorized to destroy or dispose of the removed materials.

SEC. 95.0136 Post Summary Abatement Hearing Procedures

(a) The Responsible Party of any lettering, advertisement, card, poster, sign, or notice of any kind placed upon public property, which has been removed without prior notice to the Responsible Party, pursuant to the provisions of Section 95.0135, may request a hearing. The request for a hearing shall be made in writing to the Director and shall be made within ten (10) calendar days from the date of the removal. The purpose of such a hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign or notice was in fact located upon public property including within the public rights-of-way, in violation of Municipal Code Section 95.0135.

(b) Upon receiving a written request for a hearing, the Director shall schedule a hearing within thirty (30) calendar days from the date of the request. The Director shall serve a hearing notice to the Responsible Party by any of the means provided in Municipal Code Section 11.0301. The notification shall include the date, time and place of hearing. The hearing shall be conducted by an Enforcement

Hearing Officer who shall follow the City Manager's Enforcement Hearing Policies and Procedures.

(c) A written copy of the Enforcement Hearing Officer's decision shall be furnished to the Responsible Party of the sign or his designated representative. The Enforcement Hearing Officer's decision is the final administrative remedy without further administrative appeals.

SEC. 95.0137 Presumption of Responsible Party

The Responsible Party for the placement or posting of signs in violation of this Division is presumed to be the person or organization whose name appears on the signs in the following situations:

(a) The candidate seeking election to any office or position; or

(b) The party promoting, sponsoring, supporting or advocating any ballot proposition (including any initiative or referendum) or any candidate; or

(c) The party opposing or advocating the defeat of any ballot proposition (including any initiative or referendum) or any candidate; or

(d) Any party, including any private property owner, real estate agent, broker, brokerage firm or other person whose name, telephone or fax number, address or post office box, appears on a sign advertising property for sale, lease or rent or providing directional information to the property by inclusion of a name, street address or location; or

(e) The property owner, lessee or renter of a property which is used for a yard, garage, alley or similar sale or swap meet; or

(f) The property owner, lessee or renter of a property used for commercial activities or events (including properties having Home Occupation permits issued under the provisions of Municipal Code Section 101.0406); or

(g) The party whose name, telephone or fax number, or address appears on a sign advertising a sporting event, trade show, concert, theatrical performance, swap meet or similar activity or event; (if this information does not appear on signs advertising the activity or event, the Responsible Party may be determined by information obtained from other media sources advertising the activity or event); or

(h) The property owner, manager, lessee, tenant or renter of the property or facility on which an activity or event occurs; or

(i) The party whose name, telephone or fax number, or address appears on a sign as the party to contact regarding a product, place, service, event or other activity.

More than one person may be deemed responsible for the placement of the same sign.

SEC. 95.0138 Procedure to Rebut Presumption of Responsible Party

For purposes of this Division, the person presumed to be the Responsible Party may rebut the presumption by filing

a declaration with the Director, signed under penalty of perjury that he or she did not cause, authorize, allow, encourage, or by some other action cause or permit the placement of any sign, or derive any benefit from a sign placed in violation of this Division. The Director shall determine whether a person has rebutted the Responsible Party presumption. The Director may develop written policies to facilitate this determination.

SEC. 95.0139 Administrative Citations Penalty Schedule

The Director, in accordance with the provisions of Municipal Code Section 12.0801, may establish a civil penalty schedule for administrative citations issued for any signs in violation of Section 95.0131 and signs placed on public property and in the public rights-of-way in violation of Section 95.0135. In establishing this schedule of administrative citations, consideration shall be given to the costs incurred by the City in enforcing the provisions of this Division and to the level of deterrence which will discourage violations of this Division.

Section 30. That Chapter IX, Article 8, Division 1 of the San Diego Municipal Code be and the same is hereby amended by retitling and amending Section 98.0101, 98.0102, 98.0103, 98.0104, 98.0105 and 98.0106, to read as follows:

SEC. 98.0101 Designation, Scope and Definitions of the San Diego Housing Code

(a) Designation. Chapter IX, Article 8, Division 1 of this Code, together with the specified provisions of the

State Housing Law, California Code of Regulations and Uniform Housing Code as adopted shall be known as the Housing Code for the City of San Diego.

(b) Scope. The requirements of this Division apply to the use, maintenance and occupancy of any Residential Occupancy approved for construction before or after adoption of this Division.

(c) Definitions. The definitions contained in the Uniform Building Code as adopted in Section 91.0101, the Uniform Housing Code as adopted in Section 98.0103, the definitions contained in Chapters I, IX and X of the Municipal Code, and the following definitions apply to the administration and enforcement of this Division:

"Director" means the Director of the Neighborhood Code Compliance Department or any other official designated by the City Manager.

"Housing Regulated Business" means each Residential Occupancy and related activities as defined in Section 98.0101 for which a business tax is required to be paid pursuant to Section 31.0305(a) of the Municipal Code. "Housing Regulated Business" also means each residential apartment dwelling owned under a condominium form of ownership.

"Owner" means the property owner as determined by the most current records of the County Assessor's Office, except "Owner" means the homeowners' association when a form of condominium ownership exists.

"Residential Occupancy" means a building, structure, accessory structure or portion thereof constructed, used or intended for use as a place of human habitation. The term includes hotels, motels, mobile homes, lodging or boarding houses, apartment houses, congregate residences, or single family or multiple family dwellings or housekeeping units.

SEC. 98.0102 Enforcement Responsibility

Pursuant to the provisions of Division 13, Part 1.5, Chapter 5, Article 1, Section 17964 of the Health and Safety Code of the State of California, the Director of the Neighborhood Code Compliance Department is charged with the responsibility of enforcing the Housing Code for the City of San Diego and applicable provisions of the State Housing Law.

SEC. 98.0103 State Housing Law Regulations and Uniform Housing Code Adopted in San Diego Housing Code

The provisions of Article 5, Division 1, Chapter 1, Subchapter 1, Title 25, California Code of Regulations, on file in the office of the City Clerk as Document No. 769795, together with the provisions of Chapter 8 and Section 201(c) of the Uniform Housing Code, 1991 Edition, a copy of which is on file in the office of the City Clerk as Document No. 769794 are hereby adopted and made a part of this Division as if fully set forth.

SEC. 98.0104 Authority of the Director

(a) The Director and any of his or her designated Enforcement Officials may exercise any enforcement powers as set forth in Division 1, Article 2 of Chapter I and Division 2, Article 1 of Chapter IX of this Code.

(b) In addition to those enforcement powers enumerated in Section 98.0104(a), the Director and designated Enforcement Officials may enter any Residential Occupancy during reasonable hours or at any time extreme danger exists for the purpose of making an inspection or reinspection and to test any electrical, plumbing or mechanical systems, devices, appliances or equipment.

(c) The Director has the authority to turn off, cut, disconnect or otherwise discontinue the use of any wire, system or equipment in cases found to be dangerous to life or property because they are defective or installed in violation of applicable codes.

(d) The Director has the authority to withhold gas and electric utilities to any Residential Occupancy in which a hazard or violation of this Division exists until the hazard or violation is eliminated and the Residential Occupancy is reinspected.

(e) The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.

SEC. 98.0105 Housing Advisory and Appeals Board

(a) General Provisions. There is hereby created a Housing Advisory and Appeals Board consisting of five members who are qualified by experience and training to pass upon matters pertaining to the safety and adequacy of housing. The members of the Board shall be appointed in accordance with Section 43 of the Charter of the City of San Diego, for two-year terms and until their successors have been appointed and qualified. The tenure of appointees shall be so scheduled that no more than three terms shall expire in any year. The Board shall select a chairperson from its membership annually, unless a chairperson is appointed by the Mayor. The Director or his or her appointed representative shall act as secretary to the Board but shall have no vote.

(b) Duties of the Board. The Board shall advise on reasonable interpretations of the provisions of this Division and shall hear appeals regarding the application of the provisions of this Division. The Board may recommend to the City Council such new legislation as is consistent with its purposes. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings and shall render all decisions and findings in writing to the appellant and to the City Manager.

SEC. 98.0106 Prohibitions and Enforcement Remedies

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or

demolish, equip, operate, use, occupy or maintain any Residential Occupancy or allow or cause the same to be done, in violation of any provision of the Housing Code or contrary to any order of the Director.

(b) Violations of the Housing Code may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

(c) It is unlawful for any owner or operator of a Residential Occupancy to refuse to allow the Director to inspect the Residential Occupancy following a reasonable request and notice pursuant to the provisions of this Division.

Section 31. That Chapter IX, Article 8, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 98.0107, 98.0108, 98.0109, 98.0110, 98.0111 and 98.0112.

Section 32. That Chapter IX, Article 8, Division 1 of the San Diego Municipal Code be and the same is hereby amended by adding Section 98.0107, to read as follows:

SEC. 98.0107 Strict Liability

Violations of this Division shall be treated as strict liability offenses regardless of intent.

Section 33. That Chapter IX, Article 8, Division 1 of the San Diego Municipal Code be and the same is hereby amended by

amending and renumbering Section 98.0120 to 98.0108, to read as follows:

SEC. 98.0108 Abatement of Substandard Residential Structures

The Director may abate any dangerous, unsafe or substandard residential structure or building pursuant to the administrative abatement procedures set forth in Section 91.0203 of the Municipal Code.

Section 34. That Chapter IX, Article 8, Division 1 of the San Diego Municipal Code be and the same is hereby amended by repealing Sections 98.0121, 98.0122, 98.0123, 98.0124, 98.0125, 98.0126, 98.0130, 98.0131, 98.0132, 98.0133, 98.0134, 98.0135, 98.0136, 98.0137, 98.0138, 98.0139, 98.0140, 98.0141, 98.0142, 98.0143, 98.0150

Section 35. The enforcement powers, procedures and remedies enacted in this ordinance shall apply to violations that existed before the effective date of this ordinance. The new administrative hearing and notice procedures enacted in this ordinance shall apply to pending administrative enforcement actions and hearings and shall supersede prior enforcement procedures. This ordinance shall have retroactive effect since it provides the participants with greater due process protection than existing enforcement hearing and notice procedures.

Section 36. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the

California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If the Coastal Commission does not certify this ordinance, or suggests modifications, the provisions of this ordinance shall be null and void within the Coastal Zone.

APPROVED: JOHN W. WITT, City Attorney

By 
Joseph M. Schilling
Deputy City Attorney

JMS:lmk
06/04/93
Or.Dept:Atty
0-93-182
Form=o+t

18020

RECEIVED
93 JUN 17 AM 11:35
CITY CLERKS OFFICE
SAN DIEGO, CA

San Diego, CA

OLD LANGUAGE: ~~Struck Out~~
 NEW LANGUAGE: Shaded

AN ORDINANCE AMENDING CHAPTER IX, OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING CHAPTER IX; AMENDING ARTICLE 1, DIVISION 1 BY AMENDING SECTION 91.0101; AMENDING DIVISION 2 BY ADDING SECTION 91.0201; RETITLING AND AMENDING SECTION, 91.0202; AMENDING SECTION 91.0203; RETITLING AND AMENDING SECTION 91.0205; AMENDING ARTICLE 2, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 92.0106-92.0108; AMENDING ARTICLE 3, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 93.0103, 93.0109, 93.0110; RENUMBERING AND AMENDING SECTION 93.0112 TO SECTION 93.0111; AMENDING ARTICLE 5, DIVISION 1 BY RETITLING, AMENDING AND RENUMBERING SECTION 95.0100 TO 95.0101; AMENDING AND RENUMBERING SECTIONS 95.0101 TO 95.0102; AMENDING AND RENUMBERING SECTION 95.0102 TO 95.0103; RENUMBERING SECTION 95.0103 TO SECTION 95.0104; AMENDING AND RENUMBERING SECTION 95.0104 TO 95.0105; AMENDING AND RENUMBERING SECTION 95.0105 TO 95.0106; RENUMBERING AND AMENDING SECTION 95.0106 TO 95.0107; AMENDING AND RENUMBERING SECTION 95.0107 TO 95.0108; AMENDING AND RENUMBERING SECTION 95.0108 TO 95.0109; RENUMBERING SECTION 95.0109 TO 95.0110; AMENDING AND RENUMBERING SECTION 95.0110 TO 95.0111; RENUMBERING AND AMENDING SECTION 95.0111 TO 95.0112; AMENDING AND RENUMBERING SECTION 95.0112 TO 95.0113; RENUMBERING SECTION 95.0118 TO 95.0114; RENUMBERING SECTION 95.0118.1 TO 95.0115; RENUMBERING SECTION 95.0120 TO 95.0116; RENUMBERING SECTION 95.0128 TO 95.0117; REPEALING SECTIONS 95.0126, 95.0127, 95.0129 AND 95.0130; ADDING SECTION 95.0130; ADDING SECTIONS 95.0131-95.0139; AMENDING ARTICLE 8, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 98.0101-98.0106; REPEALING SECTIONS 98.0107-98.0112; ADDING SECTION 98.0107; AMENDING AND RENUMBERING SECTION 98.0120 TO 98.0108; REPEALING SECTIONS 98.0121-98.0126, 98.0130-98.0143 AND 98.0150; ALL RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES FOR VIOLATIONS OF THE BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL, SIGN AND HOUSING CODES.

CHAPTER IX
Building, and Building Housing and Sign Regulations

ARTICLE 1
Building Code

DIVISION 1
Title, Scope and Adoption

SEC. 91.0101 Title and Adoption

(a) [No change in text.]
(b) [No change in text.]
(c) Sections not Adopted. The following Sections or Subsections of the Uniform Building Code, 1991 Edition, are not adopted by the City of San Diego:

SECTION 101	TITLE
SECTION 103	SCOPE
SECTION 104	APPLICATION TO EXISTING BLDGS AND STRUCTURES (b) Additions, Alterations or Repairs (c) Existing Installations (e) Moved Buildings and Temporary Buildings (f) Historic Buildings
SECTION 106	MODIFICATIONS
SECTION 201	CREATION OF ENFORCEMENT AGENCY
SECTION 202	POWERS AND DUTIES OF BUILDING OFFICIAL (e) Right of Entry
SECTION 203	UNSAFE BUILDINGS OR STRUCTURES
SECTION 204	BOARD OF APPEALS
SECTION 205	VIOLATIONS
SECTION 301	PERMITS (b) Exempted Work
SECTION 302	APPLICATION FOR PERMIT (b) Plans and Specifications
SECTION 303	PERMITS ISSUANCE
SECTION 304	FEES TABLE 3A BUILDING PERMIT FEES
SECTION 710	HELISTOPS
SECTION 2903	EXCAVATION AND FILLS (a) General
SECTION 3203	ROOF COVERING REQUIREMENTS

(d) [No change in text.]
(e) [No change in text.]
(f) [No change in text.]

DIVISION 2
Organization and Enforcement

SEC. 91.0201 Creation of Enforcement Agency

The Neighborhood Code Compliance Department as established in Municipal Code Section 22.1801 shall have the primary responsibility for the enforcement of the Building, Electrical, Plumbing and Mechanical Codes as they apply to existing structures within the City of San Diego. The Director of the Neighborhood Code Compliance Department together with the Building Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of these codes.

SEC. 91.0202 Enforcement Powers and Duties of Building Official and Neighborhood Code Compliance Director

~~(a) Section 202 (a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).~~

(a) General. The Building Official and Director of the Neighborhood Code Compliance Department are authorized to enforce all provisions of the Building, Electrical, Plumbing and Mechanical Codes and appoint inspectors, technical experts, Enforcement Officials and other employees as may be necessary to carry out enforcement functions.

~~(b) Section 202(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).~~

(b) Interpretation and Administrative Rules. Only the Building Official shall have the power to render interpretations of the Building, Electrical, Plumbing and Mechanical Codes. The Director of Neighborhood Code Compliance Department and Building Official have the power to adopt policies and regulations reasonably necessary to clarify the application of these codes. The interpretations, rules and regulations shall be in conformity with the intent and purposes of the Building, Electrical, Plumbing and Mechanical Codes.

~~(c) Right of Entry. The Building Official or authorized representative may enter the building or premises at reasonable times to inspect or to perform the duties required by This Code.~~

~~(1) when it is necessary to make an inspection to enforce the provisions of This Code; or,~~

~~(2) when the Building Official or authorized representative has reasonable cause to believe that a condition exists in a building or upon a premises which is contrary to or in violation~~

~~of This Code, or which makes the building or premises unsafe, substandard, dangerous or hazardous; or,~~

~~(3) for the purpose of determining if a building is of unreinforced masonry bearing wall construction.~~

~~If such building or premises is occupied, credentials shall be presented to the occupant and entry requested. If such building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official, or authorized representative, shall have recourse to the remedies provided by law to secure entry.~~

(c) Enforcement Authority.

(1) Whenever the Director of the Neighborhood Code Compliance Department or Building Official determine that a building or structure violates any of the provisions of Articles 1, 2 or 3 of this Chapter, the Director or Building Official and their designated Enforcement Officials may exercise any of the enforcement powers as set forth in Division 1, Article 2 of Chapter I of this Code.

(2) In addition to the general authority to inspect private property provided in Section 12.0103 of this Code, the Director or Building Official has the authority to enter a building, structure or premises to determine:

(A) whether a building is unsafe, substandard, dangerous as defined in this Division; and

(B) whether a building is of unreinforced masonry bearing wall construction.

(3) The Building Official or Director of the Neighborhood Code Compliance Department may report relevant violations of Articles 1, 2 or 3 of this Chapter to the State Contractors License Board or other appropriate licensing or regulatory agency.

(4) The Building Official or Director of the Neighborhood Code Compliance Department may issue a stop work notice pursuant to Section 91.0202(d) where appropriate.

(d) [No change in text.]

(e) Restoration and Mitigation. In addition to the remedies provided in Chapter I of this Code the Building Official or Director of the Neighborhood Code Compliance Department may order the reasonable restoration of a building, premises and any

adjacent and affected site to its lawful condition or require reasonable mitigation. These requirements can be attached as conditions to applicable permits or enforcement actions and orders as appropriate.

(1) Any restoration or mitigation imposed by the Building Official or Director shall be at the sole cost of the Responsible Person.

(2) Mitigation may be appropriate where the Building Official or Director determines that restoration of the building, premises or adjacent site to its lawful condition is not feasible or that irreparable damage has been done to a structure, environmentally sensitive area or habitat or historical structure.

(3) Mitigation may include the purchase or exchange of like-kind real property and structures of a similar or greater quality and value.

(4) The Building Official or Director may require a combination of restoration and mitigation of the building, premises or site depending upon the circumstances.

(5) The Building Official or Director may promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

SEC. 91.0203 Unsafe, Substandard or Dangerous Buildings or Structures

(a) Declaration and of Purpose. The Council finds and declares that ~~u~~Unsafe, ~~s~~Substandard and ~~d~~Dangerous ~~b~~Buildings or ~~s~~Structures, as defined in Section 91.0203, are public nuisances by virtue of their conditions or defects to the extent that the life, health, property or safety of the public or ~~its~~ their occupants are endangered. The Council further finds and declares that immediate abatement of ~~u~~Unsafe, ~~s~~Substandard or ~~d~~Dangerous ~~b~~Buildings or ~~s~~Structures by repair, rehabilitation, demolition or removal is necessary to protect and preserve the safety of the citizens and communities where such structures are found. The procedures established in this ~~section~~ Division shall be ~~are~~ in addition to any other administrative, criminal or civil legal remedy, ~~criminal or civil~~, established by law which may be pursued to address violations of this Municipal Code. This ~~section~~ Division does not affect or alter other nuisance abatement procedures established in this Municipal Code.

(b) Definitions. For purposes of Section 91.0203, the following terms are defined below:

"Director" means the Director of the Building Inspection Department or Neighborhood Code Compliance Department or their designated Enforcement Officials.

"Dangerous Building" or "Dangerous Structure" means any building, structure, or portion thereof, which threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.

"Responsible Person" means the person responsible for causing or maintaining a violation as defined in Section 11.0221 of this Code.

"Substandard Building" or "Substandard Structure" means any building or structure as defined within California Health and Safety Code Section 17920.3.

"Unsafe Building" or "Unsafe Structure" means any building or structure which satisfies, ~~in whole or in part, any or all of the conditions listed in Section 91.0203(e)-(2)~~ (d).

(c) Conditions Causing a Dangerous ~~or Unsafe~~ Building or Structure. ~~(1) The physical or structural conditions which may cause a structure to be classified as a "Dangerous Building" or "Dangerous Structure" include, but are not limited to, any one of the following conditions:~~

(A1) The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe ~~as to that it does not~~ provide a safe and adequate means of exit in case of fire or panic;

(B2) Any portion, member or appurtenance of the a building or structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that it is likely to partially or completely collapse, fail, detach or dislodge;

(C3) ~~The Any portion of a building or structure, or any portion thereof, that is likely to partially or completely collapse because of:~~ (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting ~~such the~~ building; (iv) the deterioration, decay or inadequacy of its foundation; or, (v) any other cause;

(D4) The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance, or a harbor for transients, vagrants, or criminals or to enable persons to commit unlawful acts;

(E5) Any building or structure used or intended to be used for dwelling purposes which, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is unsanitary, unfit for human habitation or in a condition likely to cause sickness or disease;

(F6) The building or structure creates a fire hazard by virtue of its obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause;

(G7) The building or structure constitutes a public nuisance as defined by law;

(H8) A portion of a building or structure (including the foundation and slab or grade) remains on a site after the demolition or destruction of the building or structure, or any building or structure which has been abandoned for a period in excess of six (6) months in such a manner so as to that it constitutes an attractive nuisance or hazard to the public;

(I9) The exits of the building or the means of exiting do not conform with the applicable provisions of the Municipal Code regarding the number of exits, their width or any other features which may cause a hazard to the life or safety of the occupants or general public;

(J10) ~~The presence of~~ Defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated fuel combustion equipment or combustion product vents are present;

(K11) The existing use or occupancy violates the fire, health or building regulations of the Municipal Code.

(d) Conditions Causing an Unsafe Building or Structure.
(2) The conditions which may cause a structure to be classified as an "Unsafe Building" or "Unsafe Structure" include, but are not limited to, any one of the following conditions:

(A1) ~~It~~ The building contains one or more structural components which cannot withstand 100 percent of the vertical design loads as required by the applicable version of the Uniform Building Code, specified in This Code for the actual use of the building. For buildings constructed prior to 1951, the vertical load carrying capacity shall meet the design criteria set forth in either the 1949 Edition of the Uniform Building Code, or a more recent edition. For buildings constructed or altered in 1951 or later the vertical load carrying capacity shall meet the

~~design criteria set forth in either the applicable edition of the Uniform Building Code in effect when the building was constructed, or altered, or a more recent edition. In lieu of engineering analysis, the load carrying capacity for flexural floor or roof members may be demonstrated by a load test, provided the amount of load and procedure used are first approved by the Building Official;~~

~~(B2) If The building contains one or more structural components of the lateral load resisting system which cannot withstand 25 percent of the wind or earthquake forces specified in This Code as required by the applicable version of the Uniform Building Code. The lateral load carrying capacity for buildings constructed prior to 1951 shall meet the design criteria set forth in either the 1949 Edition of the Uniform Building Code, or a more recent edition. For buildings constructed or altered in 1951 or later, the lateral load carrying capacity shall meet the design criteria set forth in either the applicable edition of the Uniform Building Code in effect when the building was constructed or altered, or a more recent edition;~~

~~(C3) If The building contains parapet walls or other building appendages which are not capable of resisting the wind or earthquake forces as required by the applicable version of the Uniform Building Code, specified in This Code. The lateral load carrying capacity shall be determined in the same manner for structural components as specified in Section 91.0203(c)(2)(B).~~

~~(de) Procedures for + Notice and Order.~~

~~(1) Whenever the Building Official Director determines that a building, structure or any portion thereof is an unsafe, substandard or dangerous building or structure as defined in Section 91.0203, the Building Official Director may commence administrative abatement proceedings by issuing a written Notice and Order to the Responsible Person record owner or the person in possession of the building to abate this a public nuisance.~~

~~(2) The Notice and Order shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.~~

~~(3) The Notice and Order shall refer to the conditions listed in San Diego Municipal Code Section 91.0203 and list the conditions of the property which render the structure or building an which render the property or structure unsafe, substandard or dangerous. building.~~

~~(4) The Notice and Order shall describe the action required to abate the public nuisance, which may include the any or all of the following measures:~~

(A) ~~Repair and Rehabilitation.~~ If the Building Official determines that the building or structure can be reasonably repaired, the written Notice and Order shall require that all necessary permits be obtained immediately and the work physically commenced within a reasonable specified time. ~~under the circumstances, not to exceed sixty (60) days from the date of this notice.~~ The Building Official shall also establish reasonable time frames to obtain permits and a deadline to complete all repairs within a reasonable time.

(B) ~~Demolition.~~ If the Building Official determines that the building or structure cannot be reasonably repaired within the guidelines established in California Health and Safety Code Section 17980, the Notice and Order shall require that all necessary permits be immediately obtained ~~secured within thirty (30) days of this notice and that demolition shall be completed within a reasonable specified period of time not to exceed sixty (60) days from the date of this notice as established by the Director.~~

(C) ~~Vacation and Notice to of Tenants.~~ If the Building Official determines that vacation of the structure is necessary for demolition or repairs, the Notice and Order shall require the expeditious vacation of the structure consistent with applicable laws and within a reasonable period of time as established by the Director. ~~not to exceed sixty (60) days from the date of this notice; that all necessary permits be secured within sixty (60) days from the date of this notice and that demolition or repairs be completed within a reasonable time as determined by the Building Official.~~

(D) ~~Clean and Secure.~~ If the building or structure is vacant or abandoned ~~until before or during the owner starts actual repairs, rehabilitation or demolition repairs, rehabilitation or demolition, and or after vacation of the tenants is complete,~~ the Notice and Order shall may require the owner Responsible Person to immediately clean and secure the property according to the procedures and standards enacted in Division 3, Article 4 of Chapter V of this Code. ~~San Diego Municipal Code Sections 55.0311.0601 and 55.0102.0201.~~

~~(5) Statement of Intent: This Notice and Order shall require the owner, within ten (10) calendar days from the date this notice is mailed, to provide the Building Official with a written statement of the owner's intent to abate the public nuisance or file a notice of appeal as provided for in this section.~~

~~(65) The Notice and Order shall also explain the consequences should the owner Responsible Person fail to comply~~

with the terms of this ~~n~~Notice and Order. as prescribed in this section.

(76) The Notice and Order shall identify all hearing rights. ~~notify the owner of all hearing and appeal rights, which shall include: the right to notice; the right to be present or be represented; to present and examine all evidence and testimony, provided, however, that the formal rules of evidence shall not apply. Hearsay is admissible if corroborated or is of the nature that normally prudent persons would rely upon in carrying out their business affairs.~~

(87) The Notice and Order, and any amended or supplemental Notice and Order, shall be served by one of the methods of service set forth in Section 11.0301 of this Code. ~~upon the record owner or their agent or the person in possession of the property by any one of the following means:~~

~~(A) Personal service;~~

~~(B) Certified mail, postage prepaid, return receipt requested; or~~

~~(C) Posting the Notices and Orders conspicuously on or in front of the property.~~

~~The failure of any person with an interest in the property to receive actual notice shall not affect the validity of any proceedings taken under Section 91.0203. Service by certified mail in the manner described above shall be effective on the date of mailing.~~

(8) If the building or structure is rented or leased for residential occupancy, the Notice and Order shall contain a provision notifying the Responsible Person about the possible denial of state income tax benefits pursuant to definitions and procedures found in California Health and Safety Code Section 17980(d).

(9) A copy of the Notice and Order shall be provided to all tenants of a residential building pursuant to California Health and Safety Code Section 17980(c).

(10) The Notice and Order shall require the Responsible Person, within ten (10) calendar days from the date the notice is served, to provide the Director with a written statement of his or her intent to abate the public nuisance.

(f) Extensions of Time. Upon receipt of a written request for an extension from the Responsible Person and a written agreement that the Responsible Person will comply with the Notice

and Order if allowed additional time, the Director may grant an extension of time. The extension shall not exceed an additional one hundred and twenty (120) calendar days to complete the repairs, rehabilitation or demolition. The Director may grant the extension only if it is determined that such an extension of time will not create or perpetuate a situation dangerous to life or property and that the circumstances which justify the delay are beyond the direct control of the Responsible Person.

(eg) Failure to eComply with Notice and Order. The Director shall schedule an administrative enforcement hearing as provided in Division 4, Article 2 of Chapter I of this Code when any of the following situations occur:

~~If the required work or demolition is not commenced within the time specified in the Notice and Order or is not performed in compliance with all applicable regulations, the Building Official may:-~~

~~(1) Order the building vacated and posted to prevent further occupancy until the work is completed; and~~

~~(2) Clean and secure the building or structure in accord with the standards and procedures enacted in San Diego Municipal Code Sections 55.0311.0601 and 55.0102.0201; and-~~

~~(3) Schedule a Demolition Hearing before a City Manager's Hearing Officer to declare the structure a public nuisance and order its demolition by city work forces or a private contractor; and~~

~~(4) Make such minimal emergency repairs as necessary to eliminate any imminent life safety hazard.~~

(1) The Responsible Person served with the Notice and Order fails to comply with any of its terms; or

(2) The required work or demolition is not commenced or finished within the time specified in the Notice and Order or is not performed in compliance with all applicable regulations; or

(3) The Responsible Person served with the Notice and Order files a written request for a hearing with the Director within ten (10) calendar days of the service of the Notice and Order.

(fh) Recordation of Notice and Order.

~~If the owner fails to comply with the Notice and Order within the time specified, and no appeal has been properly and~~

~~timely filed, At any time after the Notice and Order is served upon the Responsible Person the Building Official Director may shall file in the Office of the County Recorder a certificate copy of the Notice and Order describing the location of the property and the conditions certifying that cause the (i) the building is an to be unsafe, substandard or dangerous. building or structure, as applicable; and (ii) notice has been provided to the owner or person in possession of the property.~~

~~Whenever the Responsible Person or the City completes the repairs or demolition as required by corrections ordered in the Notice and Order, have been completed or the building is demolished the Building Official Director shall file a new certificate notice with the County Recorder certifying that certifies that the building is no longer an unsafe, substandard or dangerous building or structure. This shall have the effect of canceling the recorded Notice and Order.~~

~~(g1) Repair, Vacation and Demolition- (1) Standards: Requirements. The Building Official Director shall apply the following standards in ordering the repair, vacation or demolition of any aUnsafe, sSubstandard or dDangerous bBuilding or sStructure:~~

~~(A1) The building or structure shall be repaired in accordance with the most recent building code, edition of the Uniform Building Code, as adopted by the City of San Diego.~~

~~(2) No building designated as historical pursuant to the procedure set forth in Article 6, Division 2 of Chapter II of this Code may be demolished pursuant to Section 91.0203. The Responsible Person-owner shall ensure that any historical building and all repairs and corrective actions to an historical building will comply with all applicable state and local regulations and ordinances.~~

~~(B3) The owner of the property, Responsible Person in cooperation with the is primarily responsible for the relocation and associated costs of any tenants displaced as a result of an abatement action pursuant to this Division and must follow applicable requirements of state law. If relocation costs are incurred, it shall be the obligation of the Responsible Person to provide necessary and reasonable financial assistance to cover the costs of relocating the tenant.~~

~~(4) If relocation costs are paid by the City, the costs shall be assessed against the Responsible Person as an abatement cost and may be recovered pursuant to procedures set forth in Division 3, Article 3 of Chapter I of this Code. The Building Official Director, shall coordinate applicable public~~

~~assistance to help assist in the relocation of any tenants which are displaced as a result of this abatement process.~~

~~(j) (2) Posting of Signs+. (A) Once the Building Official Director orders the vacation of tenants or once the building is secured pursuant to the regulations in Municipal Code Sections 55.0311.0601 54.0306 and 55.0102.0201, the Director shall post signs in substantially the following form shall be posted at or near each entrance of the building:~~

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building
or to remove or deface this notice

(SDMC SEC. 91.0203)

Director of Building Inspection
City of San Diego

~~(B) Order: The notice of vacation shall also be posted and it shall recite the conditions in the notice issued by the Building Official under Section 91.0203(d).~~

~~(1) (E) Trespass+. No It is unlawful for any person shall to remain in or enter any building which has been so posted in accordance with Section 91.0203(j), except that entry may be made to repair or demolish such building under proper permit.~~

~~(2) (D) Defacement+. It is unlawful for any No person to shall remove or deface any such sign or notice after it is posted until the required repairs have been completed and a Certificate of Occupancy issued pursuant to the provisions of the Building Code or until demolition is finished and all debris removed pursuant to the demolition permit.~~

~~(h) Appeal of Building Official's Notice: Any person having any record title or legal interest in the property, building or structure may appeal from the Notice and Order or any action or determination made by the Building Official. The notice to appeal must be made in writing and filed with the Building Official within ten (10) calendar days from the date the first Notice and Order is mailed.~~

~~(1) Processing of Appeal: As soon as practicable after receiving the written notice of appeal, the Building Official shall refer the matter to the City Manager who shall appoint a Hearing Officer and fix a date, time and place for the hearing. Written notice of the time and place of the hearing shall be served at least seven (7) calendar days prior to the~~

~~date of the hearing to each party having a legal interest in the property by any of the methods listed in Section 91.0203(d)8.~~

~~—————(2) Effect of Failure to Appeal: Failure of any person to file an appeal in accordance with the provisions of Section 91.0203(h) shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Notice and Order or any portion thereof.~~

~~—————(3) Scope of Hearing on Appeal: The City Manager's Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures for public hearings regarding the following issues:~~

~~—————(A) The Building Official shall present information relating to the condition of the property, the respective health and safety hazards and the appropriate means of abatement.~~

~~—————(B) The owner or agent or person in possession of the property or any other interested person may present testimony or evidence concerning the condition of the property, existence of a public nuisance and means and time frame for correction. If the owner provides a structural survey, it must conform with applicable standards promulgated by the Building Inspection Department and submitted on their approved form.~~

~~—————(4) Stay of Order Pending Appeal: Except where the circumstances require emergency action to abate an imminent hazard or vacate the tenants or secure the building, enforcement of any Notice and Order of the Building Official issued under Section 91.0203 shall be stayed during the pendency of a proper and timely filed appeal.~~

~~—————(5) Procedures for Conducting Hearings: The City Manager shall establish and promulgate all appropriate rules and procedures for conducting hearings and rendering decisions pursuant to this section.~~

~~—————(6) Final Administrative Order: The decision of the City Manager's Hearing Officer regarding any appeal is the final administrative order and decision.~~

~~—(i) Demolition Hearing: Upon the failure of the owner or their agent to demolish the property by the date specified in the Notice and Order, the Building Official shall refer the matter to the City Manager for a Demolition Hearing.~~

~~—————(1) Notice: As soon as practicable after the deadline expires in the Building Official's Notice and Order, the~~

~~City Manager shall fix a date, time and place for the Demolition Hearing. The hearing date shall be not less than ten (10) calendar days nor more than sixty (60) calendar days from the date the Building Official requests the Demolition Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the hearing date to each party having an interest in the property. The notice of the Demolition Hearing shall be served in the same manner as described in Section 91.0203(d)8.~~

~~(2) Scope: The City Manager's Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures for public hearings regarding the issues of whether the building or structure is a public nuisance and whether demolition is a reasonable remedy to abate the nuisance under the circumstances.~~

~~(A) The Building Official shall present information relating to the condition of the property, the respective health and safety hazards and the justifications for demolition.~~

~~(B) The owner or agent or person in possession of the property or any other person with a legal interest may present testimony or evidence concerning the existence of a public nuisance and whether demolition is necessary. If the owner provides a structural survey, it must conform with applicable standards promulgated by the Building Inspection Department and submitted on their approved form.~~

~~(3) Decision: The City Manager's Hearing Officer may confirm the determination of the Building Official that a public nuisance exists by virtue of the status as an unsafe, substandard or dangerous building or structure and that demolition is the appropriate remedy under the circumstances. The decision of the City Manager's Hearing Officer is the final administrative order.~~

~~(4) Owner's Response: The owner or agent or person in possession of the premises, however, may obtain proper permits and demolish the building or structure within seven (7) calendar days after the Hearing Officer orders demolition.~~

~~(5) Demolition: In the event the owner or agent or person in possession of the property does not abate the conditions determined to be a public nuisance, the building or structure shall be demolished by personnel designated by the City Manager or by the City's private contractor.~~

~~(k) Abatement Hearing. Whenever the Director schedules an abatement hearing pursuant to Section 91.0203(g), the Enforcement Hearing Officer shall determine whether the structure is a public~~

nuisance and if so order its repair, rehabilitation, vacation, or demolition by the Responsible Person, City work crews or a private contractor. The abatement hearing shall be conducted according to the administrative enforcement hearing procedures set forth in Division 4, Article 2 of Chapter I of this Code.

The Enforcement Hearing Officer shall only consider evidence that is relevant to the following issues:

(1) Whether the conditions of the building or structure listed in the Notice and Order constitute a public nuisance; and

(2) Whether the time frame and method of abatement by repair, rehabilitation, vacation or demolition as listed in the Notice and Order are reasonable under the circumstances; and

(3) Whether the City may abate the conditions causing the public nuisance if the Responsible Person fails to do so.

(1) Enforcement Hearing Officer Decision. Once all evidence and testimony is completed, the Enforcement Hearing Officer shall decide to either affirm, reject or modify the Director's decision. If the Enforcement Hearing Officer confirms the existence of a public nuisance, the Enforcement Hearing Officer may issue an order that compels the Responsible Person to abate and permits the City to abate the conditions causing the public nuisance pursuant to the procedures set forth in Division 4, Article 2 of Chapter I of this Code.

~~(j) Enforcement of Notice or Order.~~

~~(1)(m) Failure to Obey: Comply with Administrative Enforcement Order. Once any Notice and Order of the Building Official or the City Manager's Hearing Officer made pursuant to Section 91.0203 becomes final, it is unlawful for any person to whom the order is directed to fail, neglect or refuse to obey any such order. If, after any such Notice and Order of the Building Official or decision by the City Manager's Hearing Officer is served pursuant to Section 91.0203, If the person Responsible Person to whom such order is directed served with an Enforcement Hearing Officer's order, fails, neglects or refuses to obey the order to comply with the terms of the order, the Director may:~~
~~(i) cause the Responsible pPerson to be may be prosecuted under Section 91.0203 12.0414 of this Code and the Director may commence appropriate abatement action following the procedures as set forth in Section 91.0203.; or (ii) institute any appropriate action to abate such building as a public nuisance; or both.~~

~~(2) Failure to Commence Work: Whenever the required repair or demolition is not commenced within thirty (30) calendar days after any final Notice and Order is issued under This Code:~~

~~(A) The Building Official may cause the building described in such Notice and Order to be vacated by giving reasonable notice to the tenants and by posting at each entrance a sign in substantially the following form:-~~

~~DANGEROUS BUILDING
DO NOT OCCUPY~~

~~It is a misdemeanor to occupy this building
or to remove or deface this notice~~

~~{SDMC SEC. 91.0203}
Director of Building Inspection
City of San Diego~~

~~(B) Except as authorized by the Building Official for repair work or inspection, no person shall enter or occupy any building which has been posted as specified in Section 91.0203(j) (2). No person shall remove or deface any notice so posted until the repairs ordered by the Building Official have been completed and a Certificate of Occupancy is issued pursuant to the provisions of the Building Code or until demolition is finished and all debris removed pursuant to a demolition permit.~~

~~(C) The Building Official may, in addition to any other remedy provided in Section 91.0203, temporarily correct only those conditions which render the building dangerous, substandard or unsafe as set forth in the Notice and Order; or, if the notice required demolition, schedule a demolition hearing as specified in Section 91.0203(i).~~

~~(3) Extensions of Time: Upon receipt of a written request from the person required to obey the Notice and Order and a written agreement by such person that he or she will comply with the Notice and Order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional one hundred and twenty (120) calendar days, to complete the repairs, rehabilitation or demolition, provided the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property and that the circumstances which justify the delay are beyond the direct control of the applicant. The Building Official's authority to extend time is limited to situations involving the physical repair, rehabilitation or demolition of the premises. The Building Official may not authorize or affect the time to appeal any Notice and Order or previously scheduled hearings.~~

~~(4n) Interference with Repair or Demolition Work Prohibited: No It is unlawful for any person shall to obstruct, impede or interfere with any officer, employee or contractor or~~

authorized representative of the City of San Diego or any person who owns or holds any estate or interest in a building while they conducting repairs, vacatiene of tenants or demolitiensh pursuant to the provisions of Section 91.0203.

~~(k)~~ Performance of Work of Repair or Demolition. Any Rrepair, or demolition, work or vacation of tenants to be done by the City following service of the Notice and Order Administrative Enforcement Order of the Building Official shall may be accomplished by City work crews or by private contractor.

~~(l)~~ Administrative Costs-Recovery of Repair, Demolition or Vacation Costs. All administrative and physical work costs incurred by the City Manager or by the Building Official or their agents in the to implementation of this the Notice and Order, Administrative Enforcement Order, including the costs for all administrative processing, physical work and appeals or demolition abatement hearings, shall be assessed against the owner as a personal obligation or against the property pursuant to Government Code section 38773.5 and collected pursuant to the procedures provided in Division 3, Article 3 of Chapter I of this Code.

~~(m) Recovery of Cost of Repair or Demolition.~~

~~(1) Accounting Report: The Building Official shall keep an itemized account of the expenses incurred in the repair or demolition of any unsafe, substandard or dangerous building or structure. Upon completion of the repair or demolition, the Building Official shall prepare a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 91.0203(d).~~

~~(2) Confirmation of Costs Hearing: Upon completion of this report, the City Manager shall fix a date, time and place for a confirmation of costs hearing before a Hearing Officer regarding this report and any protests or objections. The Building Official shall cause notice of this hearing to be served upon the owner and occupant or person in possession pursuant to the requirements of Section 91.0203(d)8. This notice shall be given at least ten (10) calendar days prior to the date set for the hearing and shall specify the day, hour and place when the Hearing Officer will consider and pass upon the Building Official's report.~~

~~(3) Protests and Objections: Any person affected by the proposed assessment may file written protests or objections with the Building Official at least forty-eight (48) hours prior to the time set for the hearing. Each protest or objection must~~

~~contain a description of the property in which the signer has an interest and the grounds of the protest or objection. The Building Official shall present the protests or objections to the Hearing Officer at the hearing.~~

~~(4) Hearing: Upon the day and hour set for the hearing the Hearing officer shall hear and pass upon the Building Official's report together with any such oral or written objections or protests. The Hearing Officer may make any revisions, corrections or modifications in the report or the charge as the Hearing Officer may deem just. The decision of the Hearing Officer on the report and the charge and on all protests or objections shall exhaust the administrative remedies available.~~

~~(5) Personal Obligation or Special Assessment:~~

~~(A) General: The Hearing Officer shall order this charge as a personal obligation of the property owner or assess it against the abated property.~~

~~(B) Personal Obligation: If the Hearing Officer orders the charge as a personal obligation of the property owner, the Hearing Officer shall direct the Building Official to collect this obligation by use of all appropriate legal means, including referral to the City Treasurer's Office.~~

~~(C) Special Assessment: If charged as an assessment against the property, the Hearing Officer's decision shall direct the Building Official to cause a Notice of Special Assessment to be recorded and direct the assessment be placed on the County Assessment Roll pursuant to Government Code section 38773.5.~~

~~(D) Recordation of Notice: After the confirmation of costs hearing, the Building Official shall record a Notice of Special Assessment describing the abatement action and the total costs with the County Recorder to place any subsequent purchasers or owners on notice about this abatement action.~~

~~The Building Official shall file a withdrawal of this notice with the County Recorder once: (1) the owner or person responsible pays in full the abatement cost; or (2) the County Auditor or Tax Collector posts the lien on the property pursuant to Government Code section 38773.5.~~

~~(6) Report to Assessor and Tax Collector: After the costs are confirmed against the property, the City Manager shall transmit a copy of the report and itemized accounting to the County Auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel in the same manner as ordinary municipal taxes. The provisions of Government~~

~~Code sections 38772 through 38773.5 are hereby incorporated by reference and made part of this section.~~

~~(7) Collection of Assessment Penalties for Foreclosure: The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.~~

~~(8) Repayment to Nuisance Abatement Superfund: All monies recovered by payment of the charge or assessment or from the sale or transfer of the property to cover the abatement costs shall be paid to the City Treasurer who shall credit the same to the Nuisance Abatement Superfund.~~

~~(ng) Summary Emergency Abatement, of Imminent Hazards. Notwithstanding the administrative notice and procedures specified in Section 91.0203(d) through (e) for the abatement of a public nuisance, whenever the a Building Official Director determines that a building or structure is an unsafe, substandard or dangerous and that it building or structure which creates an imminent hazard to the life, health and safety of its occupants or the general public, the a Building Official Director may exercise any of the summary abatement powers and follow the procedures provided in Division 7, Article 3 of Chapter I of this Code, order the immediate vacation of the premises and may post them as unsafe without prior notice to the owner, agent, occupants or other parties.~~

~~The Building Official may order that the premises not be reoccupied until the necessary repairs or corrections are completed. The Building Official may require the premises to be boarded, fenced or secured, as appropriate, if the situation requires such action to protect public health and safety. If the premises are in a state of collapse, the Building Official may raze that portion necessary to prevent further collapse and hazard to the general public. Costs incurred by the City during this summary emergency abatement process shall be chargeable to the property owner.~~

~~Once the Building Official Director has taken the appropriate summary abatement action, determined that the premises have been appropriately vacated, posted, mitigated and secured so as to no longer pose an imminent hazard to public health and safety, the Building Official Director shall may then follow the administrative procedures as specified in Section 91.0203, or pursue any other judicial or administrative remedy available under the law, to the extent applicable in pursuing further abatement actions against the premises.~~

~~The Building Official shall have the authority to take any and all actions that are reasonable and necessary in order to implement Section 91.0203(n) in summarily abating imminent hazards on an emergency basis.~~

(r) The City's Nuisance Abatement Superfund, as established by 13.0308 of this Code, may be used to pay for all costs incurred during the course of the administrative and summary abatement, including relocation costs and other special costs as determined by the Director.

SEC. 91.0205 Violations and Enforcement Remedies

(a) It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any privately owned building or structure in the City, or cause the same to be done, ~~contrary to or~~ in violation of any of the provisions of ~~This Code~~ this Article or contrary to any order or permit issued by the Director of the Neighborhood Code Compliance Department or Building Official.

(b) Violations of this Article may be prosecuted as misdemeanors subject to the penalties provided in Municipal Code Section 12.0201. The Director of Neighborhood Code Compliance or Building Official may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

(c) Violations of this Article shall be treated as strict liability offenses regardless of intent.

ARTICLE 2 Electrical Code

DIVISION 1 Administration and Authority

SEC. 92.0106 Enforcement Authority and Duties of Building Official

A.(a) The Building Official and the Director of the Neighborhood Code Compliance Department are authorized to administer and enforce the provisions of this Article by using the powers set forth in Municipal Code Sections 91.0201 and 91.0202.

(b) In addition to the powers set forth in Section 92.0106(a), the Building Official and Director of Neighborhood

Code Compliance Department and any of their designated Enforcement Officials shall have the right have the authority during reasonable hours or at any time extreme danger exists to enter any building or structure in the discharge of his their official duties or for the purpose of making an to:

(1) inspection, reinspection, or test of the installation of electrical wiring, devices, appliances, and equipment contained therein. The Building Official shall have the authority to cut or;

(2) disconnect or cut any wire in cases of emergencies where necessary to protect public safety of, life or property or where such the wire may interfere with the work of the Fire Department. The Building Official is hereby authorized to; or

(3) disconnect or order the discontinuance of electrical service to any electrical wiring, device, appliance, or equipment found to be dangerous to the public safety, life or property because they are defective or defectively installed or maintained.

(c) The Building Official shall have the authority to and Director may withhold permission to connect electrical service to any building or structure until such building is approved for occupancy.

B. The Building Official may delegate any of his powers or duties to any of his assistants.

(d) The Building Official shall, upon a complete application, grant permits for the installation or alteration of electrical wiring, devices, appliances, and equipment and shall make inspection of electrical installations, as provided in this Article.

(e) The Building Official shall keep complete records of all permits issued, inspections, and reinspections made and other official work performed in accordance with the provisions of this Article.

SEC. 92.0107 Duties of Building Official Enforcement Remedies

It shall be the duty of the Building Official to enforce the provisions of this Article. The Building Official shall, upon application, grant permits for the installation or alteration of electrical wiring, devices, appliances, and equipment and shall make inspections of electrical installations, as provided in this Article. The Building Official shall keep complete records of all permits issued, inspections, and reinspections made and other

~~official work performed in accordance with the provisions of this Article.~~

(a) Violations of this Article may be prosecuted as misdemeanors subject to the penalties and custody provided in Municipal Code Section 12.0201. The Director of the Neighborhood Code Compliance Department or the Building Official may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or may also pursue any administrative remedy provided in Chapter I of this Code.

(b) Violations of this Chapter shall be treated as strict liability offenses regardless of intent.

SEC. 92.0108 General Prohibitions

A.(a) It is unlawful for any person, either as owner, architect, contractor, artisan, or otherwise to install any electrical wiring, device, appliance, or equipment in such a manner that ~~the same it~~ does not conform ~~to all~~ with the provisions of this Article.

B.(b) It is unlawful for any person to maintain an electrical system which was not legally installed pursuant to this Article, or which is, notwithstanding compliance with this Article, ~~is maintained~~ in an unsafe condition as determined by the Building Official or the Director of the Neighborhood Code Compliance Department.

C.(c) It is unlawful for any person to sell, offer for sale, loan, rent or dispose of by gift or premium any electrical materials, device or appliance designed or intended for attachment directly or indirectly to any electrical system, circuit, or electrical service for light, heat or power in the City of San Diego, unless ~~such the~~ electrical material, device or appliance complies with the provisions of this Article.

ARTICLE 3 Plumbing and Mechanical Code

DIVISION 1 Administration and Authority

SEC. 93.0103 ~~Duties and Enforcement Authority and Duties of Director of Building Official~~

(a) The Building Official and the Director of the Neighborhood Code Compliance Department ~~shall~~ are authorized to administer and enforce the Plumbing and Mechanical Codes in ~~accordance with provisions of this Article by using the powers as~~

set forth in San Diego Municipal Code Sections 91.0201 and 91.0202.

(b) If the Building Official is satisfied that the work described in an application for permit and the accompanying plans filed therewith conform to the requirements of this Article, other pertinent laws and ordinances, and that the fee specified in Division 4 of this Article has been paid, the appropriate permit shall be issued to the applicant.

(c) The Building Official shall make inspections and reinspections of all installations and keep complete records of all permits issued, inspections, and reinspections.

(d) In addition to those powers and authority set forth in Section 91.0202 93.0103(a), the Building Official is further authorized to or Director of Neighborhood Code Compliance Department may:

(1) disconnect or remove, or both, to the extent necessary, any appliance, installation, fixture or meter associated with a plumbing, heating, mechanical, hydraulic, ventilating, air conditioning, electrical or refrigeration system, or any related technology or application, when necessary for the protection of public health, and fire and life safety;

(2) The Building Official may further withhold permission to install or operate any gas or electrical meter for a building or structure until approved for occupancy, or

(3) and to cause the disconnection or cessation cease the operation of gas or electrical services when a building or structure is not occupied or is unfit or unsafe for occupancy.

SEC. 93.0105 Standards for Installation and Materials
[No change in text.]

SEC. 93.0106 Alternate Materials and Methods of Construction
[No change in text.]

SEC. 93.0107 Board of Appeals and Advisors
[No change in text.]

SEC. 93.0108 Responsibility
[No change in text.]

SEC. 93.0109 General Prohibitions, Enforcement Remedies, and Requirements

(a) ~~No~~ It is unlawful for a person, firm, or corporation shall to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing, heating, ventilating, comfort cooling, or refrigeration equipment ~~in the jurisdiction~~, or cause the same to be done, contrary to or in violation of any ~~of the~~ provisions of this Article.

(b) Violations of this Article may be prosecuted as misdemeanors subject to the penalties provided in Municipal Code Section 12.0201. The Building Official or the Director of Neighborhood Code Compliance Department may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or may also pursue any administrative remedy provided in Chapter I of this Code.

(c) Violations of this Article shall be treated as strict liability offenses regardless of intent.

(d) Maintenance of equipment which was unlawful at the time it was installed shall constitute a continuing violation of this Article. Existing plumbing, heating, ventilating, comfort cooling, and refrigeration equipment, however, shall be deemed to have conformed with applicable law in effect at the time of installation if currently in good and safe condition and working properly. Such existing equipment may be used in connection with alterations or repairs if it has been properly maintained in good condition.

SEC. 93.0110 ~~Department of Building Inspection~~ Authority to Abate Unsafe, Substandard or Dangerous Buildings

When any buildings or premises have been inspected by the Building Inspection or Neighborhood Code Compliance Departments and the new or existing plumbing, heating, ventilation, air conditioning, or refrigeration is found to be defective, hazardous, or in violation of the provisions of this Article, the Building Official or Director of Neighborhood Code Compliance Department may ~~is authorized to~~ abate such conditions or structures in accordance with the provisions of Section 91.0203.

SEC. 93.01121 Stop Orders

Whenever any work is being done contrary to the provisions of this Article, the Building Official or Director of Neighborhood Code Compliance Department may order work stopped by serving a notice in writing served on any persons engaged in doing or causing such work to be done, ~~and any such~~ Any persons served with a notice shall immediately ~~forthwith~~ stop such work

until authorized by the Building Official or Director to proceed. The provisions of Section 91.0303(e) govern the issuance of stop orders and the suspension or revocation of permits.

ARTICLE 5
Signs and House Numbers

DIVISION 1
Signs

SEC. 95.01001 Administration, and Enforcement, and Definitions

(a) This Division shall be administered and enforced by the ~~Planning Director~~ City Manager, the Director of the Neighborhood Code Compliance Department and any of their designated Enforcement Officials.

(b) The term "Director" as used in this Division means the Director of the Neighborhood Code Compliance Department.

(c) For purposes of this Division, "Responsible Party" means any person, organization or other entity that directly or indirectly benefits from the information contained on the sign.

SEC. 95.01012 Public Property Limitations

~~A.~~(a) It is unlawful for any person, or any ~~Responsible Party~~, as defined in ~~Municipal section 95.0126(F)~~, to place, post, paint or secure any sign, lettering, poster or notice of any kind, or cause the same to be done on public property, including the public rights-of-way, or on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way, except those signs that are lawfully authorized in Section 95.01012(~~Dd~~) and (~~Ee~~).

~~B.~~(b) [No change in text.]

~~C.~~(c) [No change in text.]

~~D.~~(d) [No change in text.]

~~E.~~(e) It is unlawful to construct or install street banners or decorations over public property except as ~~herein~~ permitted in Section 95.0102 and only after the issuance of a valid permit. ~~therefor.~~

(1-) The applicant for such a permit shall pay a fee as established by resolution of the City Council and filed in the office of the City Clerk. If no permit is issued, a portion of the application fee as determined by City Council and filed in

the office of the City Clerk may be refunded. Such A permit may be is granted upon the condition that the permittee shall indemnify and save free and harmless the City of San Diego against any of the liabilities mentioned in this Section 95.0102(e).

The applicant shall file with the City a policy of insurance against public liability and property damage with an insurance carrier satisfactory to the City. Such The public liability and property damage insurance policy shall provide coverage in an amounts of not less than \$100,000 for one person injured in one accident; not less than \$300,000 for more than one person injured in one accident; and not less than, \$25,000 with respect to any property damage in any one accident; said The policy shall name the City of San Diego as an additional insured; and said the policy shall be maintained in full force and effect until such time as all banners, decorations, equipment, wiring and supports have been removed as determined by the Planning Director. In The requirements of this Section as to the amounts covered in the policy and as to the maintenance of insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages to persons or property.

(2-) The Planning Director may issue the permit for decorations in accordance with the conditions herein imposed in Section 95.0102(e). The permit shall state the purpose of the decorations, the maximum duration that any set or series of decorations may be posted, and the dates on which such decorations must be removed.

Conditions of approval include, but are not limited to, the following:

- a-(A) [No change in text.]
- b-(B) [No change in text.]

(3-) Applications for permits shall be made in the following manner:

a-(A) A written application on prescribed forms shall be submitted to the Planning Director.

- b-(B) [No change in text.]
- c-(C) [No change in text.]

SEC. 95.01023 Permits Required

A-(a) Every person, firm or corporation shall, before erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than

an incidental sign, every person, firm or corporation shall obtain from the Planning Director a Sign Permit. The Sign Permit will include authorization for any electrical work within the sign. A separate Sign Permit shall be required for each sign. Sign Permits will not be issued to any business maintaining a nonconforming sign or signs unless the proposed work includes the removal or modification of all such nonconforming signs to conform to the provisions of this ordinance Division.

When structural or electrical engineering analysis is required, such the analysis shall be approved by the Building Official. Where the installation of a sign would require modification of a structure, a Building Permit may be required pursuant to Chapter IX, Article 1 of this Code.

~~B.(b) Every person, firm or corporation shall, bBefore~~ erecting, installing, placing, constructing, creating by painting, reconstructing, altering or moving any sign other than an incidental sign, every person, firm or corporation shall obtain from the Planning Director a Maintenance Certification Sticker. A sticker is required for each on-premises sign. This sticker is applicable to one sign at one location only and is transferable to a new owner or lessee.

~~C.(c) Every person, firm or corporation shall, bBefore~~ erecting, installing, placing, constructing, altering or moving any temporary sign (including wind signs), every person, firm or corporation shall obtain from the Planning Director a tTemporary sSign uUse pPermit. A separate tTemporary sSign uUse pPermit shall be required for each sign except in the case of street banners where one sign use permits will be issued for the entire project.

~~(d) A sign permit is not required for signs required by the Fire Department to designate fire lanes on private or public property.~~

SEC. 95.01034 Permits Not Required

[No change in text.]

SEC. 95.01045 Inspections Required

~~A.(a)~~ Sign Permit. All work for which a Sign Permit is required shall be inspected by the Planning Director. The permittee or his agent shall notify the Planning Director at least 24 hours in advance, that the work is ready for inspection, at the following stages:

- ~~1.(1)~~ [No change in text.]
- ~~2.(2)~~ [No change in text.]

~~3.~~(3) [No change in text.]
~~4.~~(4) After erection, installation, construction, or creation by painting is completed.

The Building Official, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.

The Planning Director, upon notification from the permittee or his agent, shall inspect the sign and its supports and connections and shall either approve that portion of the work or shall notify the permittee wherein it fails to comply with this Code. All work shall be done in conformance with the Building Permit and the approved plans.

~~B.~~(b) Maintenance Certification Sticker. All signs for which a sticker is required shall be subject to inspection by the Planning Director. The Planning Director and his or her deputies are hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Code are being obeyed. Such entrance shall be made during business hours unless an emergency exists. A sign user shall provide all necessary access and equipment to the Planning Director for the purpose of conducting the required inspection.

SEC. 95.01056 Expiration or Revocation of Permits

(a) Expiration. Every sign permit issued by the Planning Director under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new sign permit shall be first obtained so to do, and the fee therefore shall be one-half the amount required for a new sign permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

(b) Extensions. Any permittee holding an unexpired sign permit may apply for an extension of the time within which he may commence work within the time required by this section for good and satisfactory reasons. The Planning Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented

action from being taken, and provided that the permittee changes the plan, specifications and other data which define the work permitted, as necessary to show compliance with this Code or any other ordinance, statute, or regulation in effect at the time of the extension. No sign permit shall ~~may~~ be extended more than twice. In order to renew action on a sign permit after expiration, the permittee shall pay a new full permit fee.

~~(C)~~ Suspension or Revocation. The Planning Director may, ~~in writing,~~ suspend or revoke a sign permit issued under the provisions of this Code whenever the sign permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Code. Any suspension or revocation issued under Section 95.0106(c) shall be in writing.

SEC. 95.01067 Sign Permit Application

[No change in text.]

~~A.~~(a) [No change in text.]

~~B.~~(b) [No change in text.]

~~C.~~(c) [No change in text.]

~~D.~~(d) [No change in text.]

~~E.~~(e) [No change in text.]

~~F.~~(f) [No change in text.]

~~G.~~(g) [No change in text.]

~~H.~~(h) [No change in text.]

~~I.~~(i) [No change in text.]

SEC. 95.01078 Permit Fees

~~A.~~(a) General. [No change in text.]

~~B.~~(b) Sign Permit Fee. Fees for sign permits for each sign erected, installed, affixed, structurally or electrically altered, relocated, or created by painting shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

The Director is authorized to determine whether ~~Aa~~ portion of the fees provided for in this Section 95.0108 ~~as determined by~~

~~the Planning Director, who is hereby so authorized to determine,~~
may be refunded in the event that no portion of any work
authorized by the permit has been performed and provided that no
inspections have been made. ~~Such refund may be authorized by the~~
~~Planning Director~~ The Director may issue this refund upon
application by the permittee within 90 days from the date of
permit issuance. Prior to authorization of any refund under the
~~provisions of this Section 95.0108,~~ the Planning Director shall
require the return of both that the permittee's copy of the
issued permit as well as the sign permit sticker, ~~are returned to~~
~~the Planning Department.~~

~~E.~~(c) [No change in text.]

~~D.~~(d) Temporary Sign Use Permits. [No change in text.]

SEC. 95.01089 Conditions for Maintenance Certification Inspection

~~A.~~(a) The Planning Director shall make a visual inspection
on of each sign controlled by this ordinance Division.

~~B.~~(b) [No change in text.]

~~E.~~(c) [No change in text.]

SEC. 95.010910 Removal of Nonconforming Signs

[No change in text.]

SEC. 95.011011 Sign Identification

~~A.~~(a) [No change in text.]

~~B.~~(b) [No change in text.]

~~E.~~(c) Display of a sign without a City of San Diego
Maintenance Certification Sticker shall constitute a violation of
this Code and the Planning Director may proceed as provided by
Section 132.0201.

SEC. 95.01112 Structural Design

~~A.~~(a) [No change in text.]

~~B.~~(b) [No change in text.]

~~E.~~(c) [No change in text.]

~~D.~~(d) [No change in text.]

~~E.~~(e) [No change in text.]

~~F.~~(f) [No change in text.]

SEC. 95.01123 Construction Material and Installation Standards

~~A.~~(a) [No change in text.]

~~B.~~(b) [No change in text.]

~~C.~~(c) [No change in text.]

~~D.~~(d) [No change in text.]

~~E.~~(e) Plastic. The Planning Director shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, ~~he the Director~~ may approve its use. Manufacturer's recommendations will be utilized when available and applicable. The following requirements represent the minimum acceptable minimum, for normal conditions:

~~1.~~(1) [No change in text.]

~~2.~~(2) [No change in text.]

~~F.~~(f) [No change in text.]

~~G.~~(g) [No change in text.]

SEC. 95.01184 Existing Signs

[No change in text.]

SEC. 95.0118-1 0115 Nonconforming Signs on Rezoned Property

[No change in text.]

SEC. 95.0120 0116 Signs on Annexed Property

[No change in text.]

SEC. 95.0120 0117 Liability

[No change in text.]

~~§ 95.0126 Enforcement~~

~~A. It is unlawful for any person, including a responsible party as defined in Section 95.0126(F), to erect, place, post, construct, reconstruct, alter, maintain or move any sign, or to do any act contrary to any provision contained in Municipal Code Chapter IX, Article 5, Division 1.~~

~~B. Every person who violates any of the provisions of the Code, or who causes, suffers, or permits any act or thing to be done in contravention or in violation of any of the provisions of this Code, or who neglects or refrains from doing anything required to be done by any of the provisions of this Code, or who carries out or who suffers, causes, or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Code, or who fails to comply with any order, direction, or notice given under this Code, may be deemed to be guilty of a misdemeanor. For each day that a violation is permitted to exist, it shall constitute a separate offense.~~

~~C. Where any sign or part thereof, other than those referred to in Section 95.0126(F), contravenes Section 95.0126 or where any sign is in such a condition as to be in danger of falling or is a menace to the safety of persons or property, the Planning Director shall give to the owner or person in charge of the sign written notice specifying the danger of the violation, ordering the cessation thereof and requiring either the removal of the sign or the carrying out of remedial work in the time and in the manner that the notice shall specify. Such notice shall be posted by registered mail, return receipt requested or delivered to the owner of the sign or person in charge personally. In the event of failure to comply after ten (10) days from receipt of said notice, the Planning Director may request that the City Council declare the sign a public nuisance, and such sign may be abated in the manner prescribed by applicable law.~~

~~D. In the event the Planning Director determines that a sign does not conform to the provisions of this Code, the Planning Director may give written notice to the owner of the sign or, if the sign owner cannot be located, to the owner of the building or premises upon which the sign is located. Failure to remove the sign or correct the conditions existing when written notice is given within the time specified in the written notice shall constitute a violation of this Code.~~

~~E. Upon discontinuance in business or occupancy of any establishment, the Planning Director may require the removal of the on-premise signs advertising or identifying the establishment.~~

~~F. 1. It is unlawful for any person, including a responsible party, to place, post, paint or secure any sign, pennant, flag, banner, balloon, or similar attention-seeking device, lettering, card, poster or notice of any kind, or cause the same to be done on public property, including the public rights-of-way or on any curb, sidewalk, street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way, in violation of the provisions of this Code, except those signs~~

~~which have been authorized by a specific state statute or municipal ordinance. The City Manager or any designee of the City Manager may abate this violation by removing any unauthorized sign without prior notice and may recover the costs incurred in removing the unauthorized sign or signs by using any of the administrative or judicial remedies that are provided in Municipal Code Chapter I, including but not limited to civil penalties and administrative citations.~~

~~If it is determined that removal may cause defacement or damage to public property, the City Manager or any designee of the City Manager shall notify the responsible party to remove the offending material within ten (10) days or be billed for the costs of removal and repair, replacement or refinishing of the damaged or defaced public property, unless immediate removal is necessitated because of public safety considerations, in which case the responsible party shall be billed for the necessary costs of removal, repair and replacement or refinishing. The responsible party who elects to remove the offending material shall be responsible for corrective repair, replacement or refinishing to the satisfaction of the City Manager.~~

~~2. For purposes of Municipal Code Chapter IX, Article 5, Division 1, "responsible party" and "party responsible" is presumed to mean any person or persons, organization or organizations, company or companies, corporation or corporations or other entity or entities that directly or indirectly benefit from the information contained on the sign.~~

~~3. The party responsible for the placement or posting of signs in violation of the provisions of Section 101.0126(F)(1) is presumed to be:~~

~~a. The candidate seeking election to any office or position.~~

~~b. The party or parties promoting, sponsoring, supporting or advocating any ballot proposition (including any initiative or referendum) or any candidate.~~

~~c. The party or parties opposing or advocating the defeat of any ballot proposition (including any initiative or referendum) or any candidate.~~

~~d. Any party or parties, including any private property owner, real estate agent, broker, brokerage firm or other person whose name, telephone or fax number, address or post office box, appears on a sign advertising property for sale, lease or rent or providing directional information to the property by inclusion of a name, street address or location.~~

~~e. The property owner, lessee or renter of a property which is used for a yard, garage, alley or similar sale or swap meet.~~

~~f. The property owner, lessee or renter of a property used for commercial activities or events (including properties having Home Occupation permits issued under the provisions of Municipal Code section 101.0406).~~

~~g. The party whose name, telephone or fax number, or address appears on a sign advertising a sporting event, trade show, concert, theatrical performance, swap meet or similar activity or event. If this information does not appear on signs advertising any such activity or event, the responsible party may be determined by information obtained from other media sources advertising the activity or event.~~

~~h. The property owner, manager, lessee, tenant or renter of the property or facility on which an activity or event occurs.~~

~~i. The party whose name, telephone or fax number, or address appears on a sign as the party to contact regarding a product, place, service, event or other such activity.~~

~~More than one party may be deemed responsible for the placement of the same sign.~~

~~4. For purposes of Municipal Code Chapter IX, Article 5, Division 1, the person presumed to be the "responsible party" in violation of Section 95.0126(F) may rebut such presumption by declaring under penalty of perjury or swearing under oath that said party did not cause, authorize, allow, encourage, or by some other action cause or permit the placement of any sign, or benefit from the placement of the sign, as set forth in Municipal Code section 95.0126(F)(1), on public property, including the public rights-of-way.~~

~~5. Appeals may be made in accordance with the provisions of Chapter I of this Code.~~

~~6. Signs illegally placed on public property, including the public rights-of-way, and abated under the provisions of Municipal Code section 95.0126(F)(1) may be disposed of in any manner approved by the City Manager or any designee of the City Manager.~~

~~7. The City Manager, in accordance with the provisions of Municipal Code section 13.0347, shall establish a schedule or schedules of administrative citations commensurate with the intent of this Section of the Municipal Code. In establishing~~

~~the schedule or schedules of administrative citations, consideration shall be given to both the recovery of costs incurred by the City in enforcing the provisions of this Section and the provisions of Section 95.0101, and, the establishment of a level of deterrence which will discourage the violation of the provisions of this Section and the provisions of Section 95.0101.~~

~~G. The owner of any lettering, advertisement, card, poster, sign, or notice of any kind placed upon public property, which has been removed by an officer or employee of the City without prior notice to the owner, pursuant to the provisions of Subsection F., may request a hearing conducted by a hearing officer selected by the Planning Director. The request for a hearing shall be made in writing to the Planning Director and shall be made within ten (10) calendar days from the date of the removal. The purpose of such a hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign or notice was in fact located upon public property in violation of Municipal Code SEC. 95.0101. Upon receiving a written request for a hearing, the Planning Director or his delegate shall cause a hearing to be set not less than five (5) nor more than thirty (30) calendar days from the date of receipt of the request and shall in writing, provide notification of the hearing to the applicant by means of registered mail, certified mail or hand delivery. The notification shall include the date, time and place of hearing. The hearing shall be conducted by a hearing officer selected by the Planning Director. The applicant may have the assistance of counsel or may appear by counsel and shall have the right to present evidence.~~

~~In the event that the applicant or counsel representing the applicant fails to appear at the hearing, the evidence of the existence of facts which constitute grounds for removal shall be considered un-rebutted. A written copy of the hearing officer's decision shall be furnished to the owner of the lettering, advertisement, card, poster, sign or notice or his designated representative. The decision of the hearing officer shall be final and non-appealable.~~

~~Any lettering, advertisement, card, poster, sign or notice which has been properly removed under this Section may be returned to the owner upon payment by the owner to the City of the administrative cost of removal, as determined by the Planning Director or his delegate. If no timely request is made for a hearing or if no demand is made for the return of the materials removed, within thirty (30) days of the date of removal, then the Planning Director or his delegate is authorized to destroy or dispose of the removed materials.~~

~~H. In addition to any other remedy provided by this Code any provision of this division of the Code may be enforced by~~

~~injunction issued by the Superior Court upon a suit brought by
The City of San Diego.~~

~~§ 95.0127 Graffiti Abatement Procedure~~

~~a. Purpose and Intent. It is the purpose and intent of
this section to provide a procedure for removal of graffiti from
walls and structures on privately owned property in order to
reduce blight and deterioration within the City and to protect
the public health and safety.~~

~~The City finds and determines that graffiti is obnoxious and
constitutes a public nuisance, as defined in Section 13.0301
through 13.0306, and must be abated to avoid the detrimental
impact of such graffiti on the City and its residents and prevent
the further spread of graffiti.~~

~~b. Definitions. Whenever the following terms are used in
this section, they shall have the following meaning:~~

~~1. "Graffiti" means the unauthorized spraying of paint
or marking of paint, ink, chalk, dye or other similar substances
on buildings, fences, structures and similar places.~~

~~2. "Unauthorized" means without the permission of the
property owner or else being in violation of this Article and
Division.~~

~~3. "Graffiti abatement procedure" means an abatement
procedure which identifies graffiti, issues notice to the
landowner to abate the graffiti, and provides for a cure in the
absence of timely response.~~

~~4. "Private contractor" means any person with whom the
City shall have duly contracted to remove graffiti.~~

~~5. "Abatement Official" means the City Manager or the
City Manager's duly designated representatives.~~

~~c. Graffiti Prohibited.~~

~~1. To the extent not otherwise provided for by state
law, it shall be unlawful for any person to place graffiti, as
defined herein, upon buildings, fences, structures and similar
places within the City of San Diego.~~

~~2. It shall be unlawful for any person owning or
otherwise being in control of any real property within the City
to maintain, permit or allow any graffiti to be placed upon or to
remain upon any structure located on such property when the
graffiti is visible from the street or other public or private
property.~~

~~3. Whenever the Abatement Official determines that graffiti on any structure in the City of San Diego is visible from the street or other public or private property, the Abatement Official shall cause a notice to be issued to abate such nuisance, or initiate a prosecution against the responsible person violating this section, or both.~~

~~d. Abatement Notice. The Abatement Official causing a written notice to be served upon the owner(s), occupant or person in control of the affected premises, as such name and address appears on the last equalized property tax assessment roll of the County of San Diego, shall provide the property owner, occupant or person in control ten (10) days after the date of the notice in which to remove the graffiti, or the property thereafter shall be subject to graffiti abatement by the City. Notice shall be issued pursuant to Section 13.0301 through 13.0306 as follows:~~

~~1. By personal service on the owner, occupant or person in charge or control of the property; or~~

~~2. By registered or certified mail addressed to the owner at the last known address of said owner. If this address is unknown, the notice will be sent to the property address; or~~

~~3. By posting the notice conspicuously on the property frontage at least once every 50 feet. The abatement notice shall be substantially in the following form:~~

~~NOTICE OF INTENT TO REMOVE GRAFFITI
SAN DIEGO MUNICIPAL CODE SECTION 95.0127~~

~~DATE:~~

~~NOTICE IS HEREBY GIVEN that you are required by law at your expense to remove or paint over the graffiti which constitutes a public nuisance on the property located at (address)~~

~~_____, San Diego, California, which graffiti is visible to public view, within ten (10) days after the date of this notice; or, if you fail to do so, city employees or private contractors employed by the City will be authorized to enter upon your property and remove or paint over the graffiti. The costs of the abatement by the City's employees or its private contractors may be assessed upon your property and such costs will constitute a lien upon the land until paid.~~

~~A full copy of San Diego Municipal Code section 95.0127 is attached. Please note that you have a right to appeal our determination that the graffiti is a public nuisance within ten (10) days of the mailing or personal service of this notice.~~

~~e. Appeal. Within ten (10) days from the mailing or personal service of the abatement notice, the owner or person occupying or controlling the premises or lot affected may appeal the determination to the City Manager of The City of San Diego.~~

~~In lieu of the procedure established by Section 11.16(d), the City Manager shall cause the appeal to be assigned to a Hearing Officer who shall schedule a hearing to be heard within ten (10) days thereafter. The Hearing Officer shall be appointed by the City Manager, shall be a member of the California State Bar and shall not be a City employee. The Hearing Officer shall be compensated by The City of San Diego for the time spent on deciding an appeal. The appellant and the City Manager or designate shall each have the right to appear in person and be represented by legal counsel, to receive notice, to present evidence, to call and cross-examine witnesses under oath and to present argument. The Hearing Officer shall have the power to compel attendance of witnesses and documents by subpoena in accordance with the Civil Code. The formal rules of evidence shall not apply and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious business affairs shall be permissible. Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The formal exceptions to the hearsay rule shall apply; however, the Hearing Officer is authorized to rule upon issues of law or fact. The decision of the Hearing Officer shall be issued in writing no later than fourteen (14) days after the conclusion of the hearing. Such decision shall be the final administrative remedy of the appellant and shall be binding upon the City. The City Manager may promulgate supplementary rules and procedures for the conduct of hearings, forms of notice and proceedings, and preparation and submission of the record.~~

~~f. Removal by City. Upon the failure of the responsible person to comply with the notice of abatement, when final, by the designated compliance date, the Abatement Official is then authorized to cause the graffiti to be abated by city forces or private contract, and the City or its private contractor is expressly authorized to enter and abate graffiti upon utility cabinets and exterior walls and fences abutting public streets, property or rights of way. All reasonable efforts to minimize damage from such entry shall be taken by the City, and any paint used to obliterate graffiti shall be as close as practicable to background color(s).~~

~~g. Private Property Consent Forms. Property owners in the City of San Diego may consent in advance to city entry onto private property for graffiti removal purposes. The City will make forms for such consent available.~~

~~h. Public Property. Where a structure is owned by a public entity other than the City, the removal of the graffiti may be authorized only after securing the consent of an authorized representative of the public entity having jurisdiction over the structure.~~

~~i. Reimbursement.~~

~~1. The Abatement Official shall adopt procedures to obtain reimbursement for the costs of abatement from the violators of subsection (c); provided, however, no costs shall be assessed against any property owner who was not responsible for, or who did not cause, the placement of the graffiti on the affected premises.~~

~~2. Any act of willful misconduct of a minor who violated subsection (c) and which willful misconduct caused damage to property, not in excess of \$10,000, shall cause the parent or guardian, having custody and control of the minor, to be jointly and severally liable with the minor for any damages resulting from the willful misconduct. The City Manager shall have the authority to seek reimbursement for victims' of unauthorized graffiti placement pursuant to Civil Code section 1714.1(b).~~

~~§ 95.0129 Conflicting Provisions~~

~~If any other provisions of the Municipal Code conflict with the provisions of this Division, the more restrictive provisions shall apply.~~

~~§ 95.0130 Severability~~

~~If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code. The City Council hereby declares that it would have passed this Code, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional.~~

Enforcement Authority

The Director and any of his or her designated Enforcement Officials may exercise any of the enforcement powers provided in Division 1, Article 2 of Chapter I of this Code. The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.

SEC. 95.0131 General Prohibitions and Enforcement Remedies

(a) It is unlawful for any person, including a Responsible Party as defined in Section 95.0101, to erect, place, post, construct, reconstruct, alter, maintain or move any sign in violation of any provision contained in this Division.

(b) Violations of this Division may be prosecuted as misdemeanors subject to the penalties and custody provided in Municipal Code Section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code. In addition to the general remedies in Chapter I, the Director may use the special sign abatement procedures found in Sections 95.0133 and 95.0135 of this Division.

SEC. 95.0132 Strict Liability

Violations of this Division shall be treated as strict liability offenses regardless of intent.

SEC. 95.0133 Abatement of Dangerous Signs

Where any sign is in danger of falling or is a threat to the safety of persons or property, the Director may issue to the Responsible Party in charge of the sign a written notice. The written notice shall specify the dangerous conditions of the sign, list any sign violation, order the immediate abatement of the dangerous conditions, and require either the removal of the sign or repair within the time specified in the notice. The Director shall serve this notice upon the Responsible Party in accordance with Section 11.0301 of this Code. The Director shall follow the administrative abatement procedures in Municipal Code Sections 12.0601 through 12.0604.

SEC. 95.0134 Discontinuance of Businesses

The Director may require the removal of the on-premise signs advertising or identifying the establishment upon the discontinuance of the business or occupancy.

SEC. 95.0135 Sign Violations on Public Property

(a) It is unlawful for any person, including a Responsible Party, to place, post, paint or secure any sign, pennant, flag, banner, balloon, or similar attention-seeking device on public property or within the public rights-of-way.

(b) It is unlawful for any person to place any lettering, card, poster or notice of any kind, on any curb, sidewalk,

street, pole, post, lamp post, utility box, hydrant, bridge, tree, building or other surface which is located on public property, including the public rights-of-way.

(c) Those signs which have been authorized by a specific state statute or municipal ordinance and placed on public property or in the public rights-of-way shall not be treated as a violation of Section 95.0135.

(d) The Director or any of his or her Enforcement Officials may summarily abate a violation of Section 95.0135 by removing any unauthorized sign without prior notice and may recover the costs incurred in removing any unauthorized sign by using any of the administrative or judicial procedures that are provided in Municipal Code Chapter I.

(e) If it is determined that removal of a sign may cause defacement or damage to private or public property, the Director shall notify the Responsible Party to remove the offending material within ten (10) calendar days or be billed for the costs of removal, repair, replacement or refinishing of the damaged or defaced public property. If immediate action is necessitated because of public safety considerations, the Responsible Party shall be billed for the necessary costs of removal, repair, replacement or refinishing. The Responsible Party who elects to remove the offending material shall be responsible for necessary costs of any repairs, replacement or refinishing to the satisfaction of the Director.

(f) Signs placed on public property or in the public rights-of-way, and summarily confiscated under the procedures of Section 95.0135 may be disposed of in any manner approved by the Director or any of the Director's Enforcement Officials.

(g) Any lettering, advertisement, card, poster, sign or notice which has been properly removed under Section 95.0135 may be returned to the owner or Responsible Party upon payment by the owner or Responsible Party to the City for the administrative cost of removal, as determined by the Director.

(h) If the Responsible Party fails to make a request for a hearing under Section 95.0136 or if no demand is made for the return of the materials removed within thirty (30) calendar days of the date of removal, then the Director is authorized to destroy or dispose of the removed materials.

SEC. 95.0136 Post Summary Abatement Hearing Procedures

(a) The Responsible Party of any lettering, advertisement, card, poster, sign, or notice of any kind placed upon public property, which has been removed without prior notice to the

Responsible Party, pursuant to the provisions of Section 95.0135, may request a hearing. The request for a hearing shall be made in writing to the Director and shall be made within ten (10) calendar days from the date of the removal. The purpose of such a hearing shall be limited to determining whether the lettering, advertisement, card, poster, sign or notice was in fact located upon public property including within the public rights-of-way, in violation of Municipal Code Section 95.0135.

(b) Upon receiving a written request for a hearing, the Director shall schedule a hearing within thirty (30) calendar days from the date of the request. The Director shall serve a hearing notice to the Responsible Party by any of the means provided in Municipal Code Section 11.0301. The notification shall include the date, time and place of hearing. The hearing shall be conducted by an Enforcement Hearing Officer who shall follow the City Manager's Enforcement Hearing Policies and Procedures.

(c) A written copy of the Enforcement Hearing Officer's decision shall be furnished to the Responsible Party of the sign or his designated representative. The Enforcement Hearing Officer's decision is the final administrative remedy without further administrative appeals.

SEC. 95.0137 Presumption of Responsible Party

The Responsible Party for the placement or posting of signs in violation of this Division is presumed to be the person or organization whose name appears on the signs in the following situations:

(a) The candidate seeking election to any office or position; or

(b) The party promoting, sponsoring, supporting or advocating any ballot proposition (including any initiative or referendum) or any candidate; or

(c) The party opposing or advocating the defeat of any ballot proposition (including any initiative or referendum) or any candidate; or

(d) Any party, including any private property owner, real estate agent, broker, brokerage firm or other person whose name, telephone or fax number, address or post office box, appears on a sign advertising property for sale, lease or rent or providing directional information to the property by inclusion of a name, street address or location; or

(e) The property owner, lessee or renter of a property which is used for a yard, garage, alley or similar sale or swap meet; or

(f) The property owner, lessee or renter of a property used for commercial activities or events (including properties having Home Occupation permits issued under the provisions of Municipal Code Section 101.0406); or

(g) The party whose name, telephone or fax number, or address appears on a sign advertising a sporting event, trade show, concert, theatrical performance, swap meet or similar activity or event; (if this information does not appear on signs advertising the activity or event, the Responsible Party may be determined by information obtained from other media sources advertising the activity or event); or

(h) The property owner, manager, lessee, tenant or renter of the property or facility on which an activity or event occurs; or

(i) The party whose name, telephone or fax number, or address appears on a sign as the party to contact regarding a product, place, service, event or other activity.

More than one person may be deemed responsible for the placement of the same sign.

SEC. 95.0138 Procedure to Rebut Presumption of Responsible Party

For purposes of this Division, the person presumed to be the Responsible Party may rebut the presumption by filing a declaration with the Director, signed under penalty of perjury that he or she did not cause, authorize, allow, encourage, or by some other action cause or permit the placement of any sign, or derive any benefit from a sign placed in violation of this Division. The Director shall determine whether a person has rebutted the Responsible Party presumption. The Director may develop written policies to facilitate this determination.

SEC. 95.0139 Administrative Citations Penalty Schedule

The Director, in accordance with the provisions of Municipal Code Section 12.0801, may establish a civil penalty schedule for administrative citations issued for any signs in violation of Section 95.0131 and signs placed on public property and in the public rights-of-way in violation of Section 95.0135. In establishing this schedule of administrative citations, consideration shall be given to the costs incurred by the City in enforcing the provisions of this Division and to the level of deterrence which will discourage violations of this Division.

**ARTICLE 8
Housing**

**DIVISION 1
Housing Code**

SEC. 98.0101 Designation, Scope and Definitions of the San Diego Housing Code

(a) Designation. Chapter IX, Article 8, Division 1 of this Code, together with the specified provisions of the State Housing Law, California Code of Regulations and Uniform Housing Code as adopted shall be known as the Housing Code for the City of San Diego.

(b) Scope. The requirements of this Division which relate apply to the use, maintenance and occupancy shall apply to all hotels, motels, lodging houses, apartment houses, dwellings and other buildings or portions thereof used or intended to be used for human habitation, and structures accessory thereto, of any Residential Occupancy approved for construction before or after adoption of this Division.

(c) Definitions. The definitions contained in the Uniform Building Code as adopted in section 91.0101, the Uniform Housing Code as adopted in section 98.0103, the definitions contained in Chapters I, IX and X of the Municipal Code, and the following definitions apply to the administration and enforcement of this Division:

"Director" means the Director of the Neighborhood Code Compliance Department or any other official designated by the City Manager.

"Housing Regulated Business" means each Residential Occupancy and related activities as defined in Section 98.0101 for which a business tax is required to be paid pursuant to Section 31.0305(a) of the Municipal Code.

"Housing Regulated Business" also means each residential apartment dwelling owned under a condominium form of ownership.

"Owner" means the property owner as determined by the most current records of the County Assessor's Office, except "Owner" means the homeowners' association when a form of condominium ownership exists.

"Residential Occupancy" means a building, structure, accessory structure or portion thereof constructed, used or intended for use as a place of human habitation. The term includes hotels, motels, mobile homes, lodging or boarding

houses, apartment houses, congregate residences, or single family or multiple family dwellings or housekeeping units.

**SEC. 98.0102 ~~Housing Department and Director Established~~
~~Enforcement Responsibility~~**

Pursuant to the provisions of Division 13, Part 1.5, Chapter 5, Article 1, Section 17964 of the Health and Safety Code of the State of California, ~~the Building Inspection Department of The City of San Diego is designated as the Housing Department of The City of San Diego and is responsible for enforcing the provisions of Divisions 1 and 2 of this Article. The Director of the Building Inspection Neighborhood Code Compliance Department is designated as the Director of the Housing Department and the officer charged with the responsibility of enforcing the Housing Code for the City of San Diego and applicable provisions of Divisions 1 and 2 of this Article the State Housing Law. Pursuant to the provisions of California Penal Code Section 836.5, the Director of the Housing Department, or specific individuals deputized by the Housing Director, shall have the powers of a public officer, and may arrest a person without a warrant whenever the Housing Director or the authorized deputy has reasonable cause to believe that the person arrested has committed an infraction or misdemeanor which is a violation of an ordinance, regulation, or statute which he or she has the duty to enforce.~~

SEC. 98.0103 ~~State Housing Law Regulations and Uniform Housing Code Adopted in San Diego Housing Code~~

~~The provisions of Articles 1, 2, 5, and 6, of Part I, Division 1, Chapter 1, Subchapter 1, Title 25, California Administrative Code of Regulations, (Register 83, No. 43-10-22-83), on file in the office of the City Clerk as Document No. 00-16511-1 769795, together with the provisions of Chapter 8 and Section 201(c) of the Uniform Housing Code, 1982 1991 Edition, a copy of which is on file in the office of the City Clerk as Document No. 00-16511-2, to the extent it is 769794 are hereby adopted in Article 5 of the California Administrative Code therein, and Chapter 8 and Section 201(C) of the Uniform Housing Code, are hereby adopted and made a part of this Division as if fully set forth in this Division; provided, however, that if any of the provisions of said documents are in conflict with any of the provisions of this Division, they shall be superseded by the provisions of this Division.~~

§ SEC. 98.0104 ~~Authority of the Housing Director~~

~~(a) The Director and any of his or her designated Enforcement Officials may exercise any enforcement powers as set~~

forth in Division 1, Article 2 of Chapter I and Division 2, Article 1 of Chapter IX of this Code.

(ab) In addition to those enforcement powers enumerated in Section 98.0104(a), ~~the Housing Director and designated Enforcement Officials may enter any Residential Occupancy shall have the right during reasonable hours or at any time extreme danger exists to enter any building in the discharge of his or her official duties or for the purpose of making an inspection, or reinspection or and to test of the any electrical, plumbing or mechanical systems, devices, appliances or equipment therein.~~

(c) The Housing Director ~~shall have~~ has the authority to turn off, cut, disconnect or otherwise discontinue the use of any wire, system or equipment in cases found to be dangerous to life or property because they are defective, ~~defectively installed or installed in violation of applicable codes.~~

(d) The Housing Director ~~shall have~~ has the authority to withhold gas and electric utilities to ~~the building any Residential Occupancy in which a hazard or violation of this Code Division exists until such the hazard or violation is eliminated and the building Residential Occupancy is reinspected.~~

~~b) The Housing Director may delegate any of his or her powers or duties to any of his or her assistants or subordinates.~~

(e) The Director may promulgate policies and regulations reasonably necessary to implement the intent and provisions of this Division.

SEC. 98.0105 Housing Advisory and Appeals Board

(a) General Provisions. There is hereby created a Housing Advisory and Appeals Board consisting of five members who are qualified by experience and training to pass upon matters pertaining to the safety and adequacy of housing. The members of the Board shall be appointed in accordance with Section 43 of the Charter of ~~the~~ City of San Diego, for two-year terms and until their successors have been appointed and qualified. The tenure of appointees shall be so scheduled that no more than three terms shall expire in any year. The Board shall select a chairperson from its membership annually, unless a chairperson is appointed by the Mayor. The Housing Director or his or her appointed representative shall act as secretary to the Board but shall have no vote.

(b) Duties of the Board. The Board shall advise on reasonable interpretations of the provisions of this Division and shall hear appeals regarding the application of the provisions of this Division. The Board may recommend to the City Council such

new legislation as is consistent with its purposes. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings and shall render all decisions and findings in writing to the appellant and to the City Manager.

SEC. 98.0106 Violations Prohibitions and Enforcement Remedies

(a) It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, operate, use, occupy or maintain any building or structure Residential Occupancy in the City, or allow or cause the same to be done, contrary to or in violation of any of the provisions of this the Housing Code or contrary to any order of the Director.

(b) Any violation of this Code shall be subject to the penalties as set forth in Section 13.0201 of the San Diego Municipal Code.

Violations of the Housing Code may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code section 12.0201. The Director may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Chapter I of this Code.

(c) It is unlawful for any owner or operator of a Residential Occupancy to refuse to allow the Director to inspect the Residential Occupancy following a reasonable request and notice pursuant to the provisions of this Division.

~~§ 98.0107 Housing Permits Required~~

a) No person or owner shall conduct, manage, operate, engage or work in any Housing Department regulated business or activity unless there shall have been procured and be then in effect, a Housing Permit therefor. A separate Housing Permit shall be required for each establishment in every calendar year. The Housing Permit may be issued to either the owner(s) or the operator, as permittee. When a condominium form of ownership exists the permittee shall be the home owner's association.

b) Housing Department regulated businesses and activities are defined as but not limited to the operation of buildings occupied or intended to be used for sleeping purposes by six (6) or more persons, any building or portion thereof which contains two (2) or more dwelling units, hotels as defined in Chapter 4 of the Uniform Building Code as adopted herein, or any single family residential unit for which a business tax is required to be paid under section 31.0305 of this Code.

~~e) Any person who causes to be operated or operates a Housing Department regulated business or activity without having in effect a valid housing permit shall, in addition to any other fees or penalties herein prescribed, be responsible for payment of a penalty fee as established by resolution of the City Council and filed in the office of the City Clerk.~~

~~§ 98.0108 Applications for Housing Permit~~

~~Every applicant for a Housing Permit shall file with the Housing Department an application which shall state the name and address of the applicant, description of the property, its location, street and number wherein and whereon it is proposed to conduct the Housing Department Regulated Business and such other information as the department may require.~~

~~§ 98.0109 Issuance of Housing Permits~~

~~Upon receipt of the application, the Housing Director shall issue a Housing Permit therefor without payment of a fee, unless otherwise provided by Council resolution, if the Housing Department's investigation and inspection discloses that the facts set forth in such application are true, the conditions in and about the place wherein and whereon it is proposed to conduct the Housing Department regulated business or activity, and the business or activity itself conforms to the requirements of this Code, to the rules and regulations of the Housing Department and to the requirements of the housing laws of the State of California and any regulations issued pursuant thereto pertaining to particular activities subject to regulation therein; that the activity shall not result in a violation of such codes, laws and regulations; otherwise, such Housing Permit shall be denied, or, if previously issued, shall be suspended or revoked.~~

~~§ 98.0110 Housing Permits, Duration and Transfer~~

~~a) A Housing Permit may be issued at any time during the year, but all Housing Permits shall expire on December 31 in the year in which they are issued.~~

~~b) Housing Permits shall not be transferable from one establishment to another or from one location to another.~~

~~e) It shall be the responsibility of the property owner who transfers ownership of a Housing Department regulated business or activity to provide the Housing Director with the names and addresses of the new owners of any such property not later than fourteen (14) days from the date of such transfer. The Housing Department shall issue a new permit for the duration of the permit period to the new owner and shall charge the new owner a~~

~~transfer fee as established by resolution of the City Council and on file in the office of the City Clerk.~~

~~§ 98.0111 Housing Fees~~

~~(a) where the operator of a Housing Department regulated business or activity has failed, for a period of thirty (30) days, to file the application and obtain a Housing Permit, there shall be collected a penalty established by resolution of the City Council and filed in the office of the City Clerk.~~

~~(b) in the event that violations of the Housing Regulations and this Code have been brought to the attention of the owner by issuance of a notice of violation(s) and corrective actions have not been undertaken, a reinspection fee is authorized for reinspection services pursuant to Section 13.0401.~~

~~§ 98.0112 Housing Permits and Fees -- Power of Housing Director to Adjust~~

~~The Housing Director shall have, in addition to all other powers conferred upon him or her, the power to extend the time for filing the application herein described for a period not to exceed 30 days, and in such case, waive any penalty that may have accrued; and with the written approval of the City Attorney in those cases in which good cause is shown to exist, to compromise any claim for housing fees amounting to less than \$100.00; and with the approval of the City Attorney and the City Council to compromise any claim for housing fees amounting to \$100.00 or more.~~

SEC. 98.0107 Strict Liability

Violations of this Division shall be treated as strict liability offenses regardless of intent.

SEC. 98.012008 Abatement of Substandard Residential Structures

~~The following sections, 98.0121 through 98.0126, govern the abatement of substandard structures.~~

The Director may abate any dangerous, unsafe or substandard residential structure or building pursuant to the administrative abatement procedures set forth in Section 91.0203 of the Municipal Code.

~~§ 98.0121 Declaration and Purpose~~

~~The Council finds and declares that substandard structures are public nuisances by virtue of their conditions and defects to the extent that the life, safety and health of the occupants, community and general public are affected adversely. The Council~~

~~further finds and declares that the abatement of substandard conditions by repair, demolition or removal is necessary to protect and preserve the health and safety of the public and hereby establishes procedures for abatement by the City.~~

~~The abatement procedures established herein are designed to be used to correct only those conditions and defects which endanger the life, safety and health of the occupants, community and general public. They are not intended for minor or technical code violations.~~

~~The procedures established herein shall be in addition to any other legal or administrative remedy established by law which may be pursued to address violations of the Municipal Code. This section does not affect or alter other nuisance abatement procedures established elsewhere in this Municipal Code.~~

~~§ 98.0122 Definitions~~

~~a. "Abatement" shall mean the act or process of reducing or alleviating conditions which make the structure a public nuisance.~~

~~b. "Administrative Abatement" shall mean a system of administrative procedures whereby the City uses its employees or contractual work forces to abate public nuisances.~~

~~c. "Demolition" shall mean the act of tearing down a structure or the remains of a structure and removing all debris from the site.~~

~~d. "Record Owner" shall mean the owner of property as listed on the latest recorded grant deed.~~

~~e. "Removal" shall mean the physical removal of a structure to another location.~~

~~f. "Repair" shall mean the correction of those conditions or defects which cause a structure to be an imminent threat to the life, health or safety of its occupants or the public.~~

~~g. "Substandard Structure" shall mean a substandard building as defined in Section 17920.3 of the California Health and Safety Code and any accessory structures which endanger the life, limb, health, property, safety or welfare of the public or occupants.~~

~~§ 98.0123 City Authority~~

~~When the Housing Director determines that any existing structure, or portion thereof, is substandard, he or she shall initiate action to cause the repair, rehabilitation, demolition~~

~~or removal of the structure. The Housing Director or designated subordinates shall be authorized to enter on the property and cause the necessary actions to be taken if the owner or responsible party does not comply with the Notice of Substandard Structure and procedures contained herein.~~

~~**§ 98.0124 Notice of Substandard Structure**~~

~~a. Whenever the Housing Director determines that a structure is substandard and therefore a public nuisance, a written notice shall be issued to abate those conditions which make the structure substandard.~~

~~b. This notice shall be clearly designated as a "Notice of Substandard Structure" and shall refer to Sections 98.0120 through 98.0126 of the San Diego Municipal Code.~~

~~c. The notice shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.~~

~~d. The notice shall list the conditions of the property which render it substandard. *P* e. The notice shall describe the action(s) required to abate the public nuisance which may include corrections and repairs, demolition or removal and shall set forth reasonable time frames within which each action must occur.~~

~~f. The notice shall also require that the owner of record or other appropriate party, within ten (10) business days from the effective date of the notice, file with the Housing Director a reasonable plan and commitment to abate the substandard conditions by repair, demolition or removal. This plan must describe each proposed action, including permit application, permit issuance, commencement of work and completion of work, and shall contain time frames which are within those established by the Housing Director in the "Notice of Substandard Structure."~~

~~The Housing Director shall review the proposed plan and accept or reject it based on its completeness, reasonableness and extent to which the owner commits to abating the substandard conditions. The Housing Director may also request modifications to the plan before final acceptance.~~

~~g. The notice shall also explain the consequences should the owner fail to comply with any of the terms of the notice, including the failure to file an appropriate work plan.~~

~~h. The notice and any subsequent amended or supplemental notices shall be served upon the record owner or designated agent and upon any mortgage holder or beneficiary under any deed of~~

~~trust, and may be served upon the person in possession of the property by any one of the following means:~~

- ~~1. Personal service;~~
- ~~2. Certified mail, postage prepaid, return receipt requested (service in this manner shall be effective on the date of mailing); or~~
- ~~3. Posting the notice conspicuously on or in front of the property.~~

~~The failure of any person with an interest in the property to receive such notice shall not affect the validity of any proceedings undertaken pursuant to this section.~~

~~i. The notice shall clearly inform the owner, agent, or mortgagee of the right to appeal this notice and set forth the time frame within which appeal can be made.~~

~~j. If no appeal is filed within the established time frame, or if an appeal hearing is held and Housing Director's finding of a substandard structure is upheld, the "Notice of Substandard Structure" shall be recorded in the Office of the County Recorder along with a certificate describing the property. Whenever the actions ordered in the notice are completed so that the substandard conditions no longer exist, the Housing Director shall file a notice with the County Recorder which declares that the structure is no longer substandard.~~

~~§ 98.0125 Failure To Comply With Notice of Substandard Structure~~

~~If the property owner or other responsible party does not comply with the requirements of the "Notice of Substandard Structure" due to failure to submit a plan, submission of an unacceptable plan or failure to meet deadlines or otherwise make satisfactory progress in relation to an approved plan, the Housing Director may proceed with administrative abatement procedures, or pursue other administrative or legal remedies to ensure that substandard conditions are abated.~~

~~§ 98.0126 Right to Appeal~~

~~Any person having record title or legal interest in the structure may file an appeal of the "Notice of Substandard Structure" and related findings within ten (10) business days of the effective date of the notice. Notification of the right to appeal shall be included in the "Notice of Substandard Structure." The appeal hearing shall be conducted in the same manner as abatement hearings provided for in San Diego Municipal Code Section 98.0137.~~

~~The failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the right to an administrative appeal hearing related to the "Notice of Substandard Structure" or any portion thereof.~~

~~§ 98.0130 Administrative Abatement Procedures~~

~~The following sections, 98.0131 through 98.0143, govern the administrative abatement procedure.~~

~~§ 98.0131 Housing Director's Authority~~

~~If the Housing Director determines that administrative abatement is the appropriate remedy, he or she shall determine whether to proceed with repair, demolition or removal, using guidelines based on state law related to the reasonableness of repair and limitations on demolitions. The Housing Director shall schedule an abatement hearing before the hearing board to obtain authorization to administratively abate the nuisance as provided for in San Diego Municipal Code Sections 98.0131 through 98.0143.~~

~~§ 98.0132 Notice and Order~~

~~The Housing Director shall then issue an "Abatement Notice and Order - Repair," or "Abatement Notice and Order - Demolition," or "Abatement Notice and Order - Removal," depending on which action is appropriate. This notice shall inform the owner of record and other appropriate parties of the date, time and place for the abatement hearing. The notice shall specify what actions the City intends to take to abate the substandard conditions. This hearing shall be scheduled and held pursuant to the requirements of San Diego Municipal Code Section 98.0137.~~

~~§ 98.0133 Authorization To Abate~~

~~If the Housing Director's findings and recommendations are upheld by the authorized hearing board, the Housing Advisory and Appeals Board (HAAB), the City may proceed forthwith to enter upon the property and use City work crews or contracted services to complete the abatement actions.~~

~~§ 98.0134 Historical Structures~~

~~Any structure designated as historical may not be demolished pursuant to San Diego Municipal Code Sections 98.0120 through 98.0125 and Sections 98.0130 through 98.0143, unless a grave and imminent emergency exists.~~

~~§ 98.0135 Notice To Tenants, Vacation of Property and Relocation~~

~~a. If the Housing Director determines that vacation of the building is necessary due to the substandard conditions and the need to repair or demolish or remove, the Notice of Substandard Structure shall require the vacation of the structure within a reasonable period of time not to exceed sixty calendar (60) days from the date of the notice, and shall establish related deadlines for: (1) obtaining permits; and (2) commencing and completing all required work.~~

~~b. In the event that the owner does not comply with the "Notice of Substandard Structure" and the City obtains authorization to abate and vacate the building, the City may cause the vacation by giving the tenants reasonable notice, as provided by California law, and shall ensure that vacation is completed. If relocation is deemed necessary, it shall be the property owner's or other responsible parties' obligation to provide such assistance. If relocation becomes a City cost, it shall be chargeable to these parties as part of the abatement cost.~~

~~§ 98.0136 Posting of Signs~~

~~a. Once a substandard property is vacated either by the owner or the City, signs shall be posted at or near each entrance to the building in substantially the following form:~~

~~DO NOT ENTER
SUBSTANDARD STRUCTURE
It is a misdemeanor to occupy this structure
or to remove or deface this notice.
(SDMC 98.0130 -- 98.0143)
HOUSING DIRECTOR CITY OF SAN DIEGO~~

~~b. The Notice of Substandard Structure, including the order to vacate, shall also be posted.~~

~~§ 98.0137 Hearings~~

~~a. All hearings related to abatement proceedings and confirmation of costs required by this section shall be conducted by the Housing Advisory and Appeals Board (HAAB). Hearings may also be initiated by appeal of the "Notice of Substandard Structure," per San Diego Municipal Code Section 98.0126.~~

~~b. Written notice of the date, time and place of each hearing shall be provided to the record owner and others with a legal interest in the property, at least ten (10) business days prior to the hearing. The notice of any hearing shall be served~~

~~in the same manner as described in San Diego Municipal Code Section 98.0124, subsection h.~~

~~e. HAAB shall consider written, oral and graphic evidence regarding the following as they are applicable:~~

~~1. Whether the conditions of the property are substandard, thereby creating a public nuisance;~~

~~2. Whether the recommended actions (repairs, demolition, removal) are appropriate;~~

~~3. Whether vacation of the structure is required;~~

~~4. Whether rejection of the repair plan is justified;~~

~~5. Whether time frames are reasonable;~~

~~6. Whether the City should be authorized to proceed with abatement;~~

~~7. Whether due process has been provided per the requirement of this section;~~

~~8. Other relevant issues.~~

~~d. Procedures for these administrative hearings shall be as set forth in regulations issued by the City Manager.~~

~~e. HAAB shall have the authority to conduct the hearings, make findings, and issue decisions and orders per the City Manager's hearing procedures. The decision of HAAB is the final administrative order.~~

~~§ 98.0138 Extensions~~

~~At any time in the process, the Housing Director has the discretion to grant extensions of deadlines if the owner, agent or other appropriate party petitions the Housing Director with good cause; provided however, that deadlines established by the HAAB may not be changed by the Housing Director. Requests for extensions and approvals or disapprovals must be in writing.~~

~~§ 98.0139 Final Notice and Order~~

~~Once an abatement order has become final pursuant to a decision by the HAAB, the City may institute all appropriate actions to abate the substandard structure, using City forces or contracted forces.~~

~~§ 98.0140 Recovery of Administrative Costs~~

~~a. All costs related to the administrative abatement of the property, including but not limited to City administrative, contractual, relocation, and hearing costs, shall be assessed against the property owner or other responsible parties, either as a personal obligation or as a special assessment placed against the property pursuant to Government Code section 38773.5.~~

~~b. Once action by the City is initiated per the Abatement Notice, all costs starting from the date of the Notice of Substandard Structure are chargeable to the property owner or other responsible parties, even if subsequent action is taken to correct the situation and the actual abatement by the City is thus canceled. The Housing Director shall exercise discretion in deciding when to charge for costs related to a canceled abatement and such costs shall be subject to the Confirmation of Costs Hearing, as described in the San Diego Municipal Code Section 98.0141.~~

~~c. The Housing Director shall keep an itemized account of all expenses incurred from the initiation of abatement until completion or cancellation. Costs may include staff time, including that of all departments which were involved, special equipment and supplies, the fees paid to obtain grant deeds, litigation guarantees and other necessary legal documents, the costs of all hearings, contractual expenses, relocation costs, and other related costs. Upon cancellation or completion of the abatement, the Housing Director shall prepare a report detailing all costs and stating a total charge for which the owner or other responsible parties are obligated to pay. This report must be confirmed at a Confirmation of Costs Hearing pursuant to San Diego Municipal Code Section 98.0141.~~

~~d. All eligible abatement costs may be recovered as a personal obligation of the property owner or other responsible parties or as a special assessment against the property pursuant to Government Code section 38773.5. The Housing Director shall recommend the method of collection to HAAB.~~

~~1. If ordered to be recovered as a personal obligation, the Housing Director shall be authorized to collect the obligation by using all appropriate legal means. If unable to collect by usual means, the Housing Director shall refer this obligation to the City Attorney for the filing of court action to recover these costs.~~

~~2. If charged as a special assessment against the property, the Housing Director shall attempt to collect the recoverable costs and, if uncollectible, shall then transmit appropriate information to the County Auditor's office for~~

~~placement of the special assessment on the tax rolls pursuant to provisions of sections 38772 through 38773.5 of the Government Code, which are hereby incorporated by reference and made part of this section.~~

~~A. Upon confirmation of costs by HAAB, the Housing Director shall record a Notice of Special Assessment with the County Recorder describing the abatement action taken by the City and the total costs, so that potential purchasers or owners are placed on notice about the abatement action and the special assessment charged to the property.~~

~~B. Upon payment of the assessed charges, including any accrued penalties and interest by the owner or other responsible party or upon the placement of a tax lien on the property by the County Auditor pursuant to section 38773.5 of the Government Code, the Notice of Special Assessment shall be withdrawn by the City.~~

~~§ 98.0141 Confirmation of Costs Hearing~~

~~a. Upon completion of the report of costs, the Housing Director shall cause a hearing regarding confirmation of costs to be scheduled before HAAB and shall give written notice to the owner and other parties with an interest in the property at least ten (10) business days prior to the date established for the hearing. This notice shall include date, time and place of the hearing and shall be served in the manner described in San Diego Municipal Code Section 98.0124, subsection h.~~

~~b. Any person affected by the proposed charges may protest and object in writing or in person at the Confirmation of Costs Hearing.~~

~~c. The purpose of the Confirmation of Cost Hearing is to ascertain the exact amount of the City's costs to abate the substandard conditions and to determine the reasonableness and accuracy of the proposed charges. The need for abatement, the extent or existence of violations, or the City's authority to abate are not valid considerations or objections at this hearing.~~

~~d. Hearings will be conducted by HAAB pursuant to procedures issued by the City Manager. The decision of the board on the report and charges to be assessed and on all protests or objections shall be the final administrative order.~~

~~§ 98.0142 Use of The Nuisance Abatement Superfund~~

~~The City's Nuisance Abatement Superfund may be used to pay for contractual services and other special costs, including relocation costs, as deemed eligible by the City Manager. Any~~

~~subsequent reimbursement to the City for those costs, including accrued penalties and interest, shall be deposited in the Superfund.~~

~~§ 98.0143 Penalties~~

~~a. It shall be unlawful for any person to remain in or enter any building posted as substandard as described in San Diego Municipal Code Section 98.0136, except that entry may be made to repair or demolish or remove such building under proper permit.~~

~~b. It shall be unlawful for any person to remove or deface any signs or notices, as described in San Diego Municipal Code Section 98.0136 until repair, demolition or removal is complete or approval to do so is specifically granted by the Housing Director.~~

~~c. It shall be unlawful for any person to obstruct, impede or interfere with any officer, employee, contractor, or other authorized representative of the City while taking actions authorized under San Diego Municipal Code Section 98.0139 to abate the substandard conditions.~~

~~§ 98.0150 Imminent Hazard - Summary Abatement~~

~~Whenever the Housing Director determines that a structure creates an imminent hazard to the life and safety of its occupants or the general public, he or she may order the immediate vacation and posting of the structure as unsafe and may cause such vacation and posting without prior notice to the owner, agent, or other appropriate parties. The Director may order that the structure not be reoccupied until the necessary corrections or repairs are completed and may further order that it be fenced, boarded or secured if the situation requires such action. All city costs related to such actions are chargeable to the property owner and may be recovered pursuant to procedures described in San Diego Municipal Code Section 98.0140.~~

JMS:lmk
5/20/93
Or.Dept:Atty
0-93-182
Form=o+t

15028

RECEIVED
93 JUN 17 AM 11:35
CITY CLERKS OFFICE
SAN DIEGO, CA

337d

AUG 10 1993

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Mary Cepeda, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

JUL 13 1993

AUG 10 1993

....., and on

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By Mary Cepeda, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 17959 Adopted AUG 10 1993

337e

meat #337

Office of
The City Attorney
City of San Diego

RECEIVED
CITY CLERK'S OFFICE

94 JUN -9 AM 11:21

SAN DIEGO, CALIF.

MEMORANDUM

236-6220

Ok'd 17957 8/10/94
17956 ✓
17959 ✓

DATE: June 8, 1994
TO: Jan Johnson, Land Use Hearings Supervisor, City Clerk's Office
FROM: City Attorney
SUBJECT: Several Small Clerical and Printing Errors in the San Diego Municipal Code

Section 12.0203:

Delete paragraph 2 of this section. It repeats verbatim Section 12.0204.

Section 12.0304:

Prior to
We believe some language between words "Recorder's Office" and "a notice against" that appeared in the original ordinance (O-17956 N.S.) has been inadvertently deleted from the printed San Diego Municipal Code ("SDMC"). Please check and correct.

A Director may record with the

Section 12.0803(a):

Reference to Section 12.0810 should read 12.0811. Please change.

Section 13.0425: *Per Christie this will be corrected later*

This SDMC section should be renumbered to read Section 13.0205. Also we think this section was amended by Ordinance No. O-17956 N.S., on August 10, 1993. Please check and correct.

Section 55.0311.0601:

Paragraph 2. Reference to Article 5 should read Article 4.


Section 91.0205(a):

Line 6, "this Article," not "tis Article."

Please call me if you have questions. Thanks for your help.

JOHN W. WITT, City Attorney

By


Cristie C. McGuire
Deputy City Attorney

CCM:jrl:014

cc Joe Schilling
Diane Silva-Martinez

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK

98 AUG 26 AM 11:03

SAN DIEGO, CALIF.

P.

OFFICE OF THE CITY CLERK
CITY ADMIN. BLDG.
202 C STREET, 2ND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, OF THE SAN DIEGO...

ORDINANCE NUMBER 0-17959 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER IX, OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING CHAPTER IX; AMENDING ARTICLE 1, DIVISION 1 BY AMENDING SECTION 91.0101; AMENDING DIVISION 2 BY ADDING SECTION 91.0201; RETITLING AND AMENDING SECTION, 91.0202; AMENDING SECTION 91.0203; RETITLING AND AMENDING SECTION 91.0205; AMENDING ARTICLE 2, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 92.0106-92.0108; AMENDING ARTICLE 3, DIVISION 1 BY RETITLING AND AMENDING SECTIONS 93.0103, 93.0109, 93.0110; RENUMBERING AND AMENDING SECTION 93.0112 TO SECTION 93.0111; AMENDING ARTICLE 5, DIVISION 1 BY RETITLING, AMENDING AND RENUMBERING SECTION 95.0100 TO 95.0101; AMENDING AND RENUMBERING SECTIONS 95.0101 TO 95.0102; AMENDING AND RENUMBERING SECTION 95.0102 TO 95.0103; RENUMBERING SECTION 95.0103 TO SECTION 95.0104; AMENDING AND RENUMBERING SECTION 95.0104 TO 95.0105; AMENDING AND RENUMBERING SECTION 95.0105 TO 95.0106; RENUMBERING AND AMENDING SECTION 95.0106 TO 95.0107; AMENDING AND RENUMBERING SECTION 95.0107 TO 95.0108; AMENDING AND RENUMBERING SECTION 95.0108 TO 95.0109; RENUMBERING SECTION 95.0109 TO 95.0110; AMENDING AND RENUMBERING SECTION 95.0110 TO 95.0111; RENUMBERING SECTION 95.0111 TO 95.0112; AMENDING AND RENUMBERING SECTION 95.0112 TO 95.0113; RENUMBERING SECTION 95.0113 TO 95.0114; RENUMBERING SECTION 95.0114.1 TO 95.0115; RENUMBERING SECTION 95.0120 TO 95.0116; RENUMBERING SECTION 95.0128 TO 95.0117; REPEALING SECTIONS 95.0126, 95.0127, 95.0129 AND 95.0130; ADDING SECTION 95.0130; ADDING SECTIONS 95.0131-95.0139; AMENDING ARTICLE 8 DIVISION 1 BY RETITLING AND AMENDING SECTIONS 98.0101-98.0106; REPEALING SECTIONS 98.0107-98.0112; ADDING SECTION 98.0107; AMENDING AND RENUMBERING SECTION 98.0120 TO 98.0108; REPEALING SECTIONS 98.0121 TO 98.0126, 98.0130-98.0143 AND 98.0150; REPEALING SECTIONS 98.0121-98.0126, 98.0130-98.0143 AND 98.0150; ALL RELATING TO CODE ENFORCEMENT AUTHORITY, REMEDIES AND PROCEDURES FOR VIOLATIONS OF THE BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL, SIGN AND HOUSING CODES.

San Diego Municipal Code Sections 91.0201, 91.0202 and 91.0205 designate the enforcement responsibility for the City's Building, Electrical, Plumbing and Mechanical Codes with the Director of the Neighborhood Code Compliance Department and the Building official. The Director and Building Official can use any of the specified enforcement powers, remedies and procedures to address code violations. These amendments also clarify the authority to compel restoration or mitigation in appropriate cases. Section 91.0205 declares that Building Code violations shall be treated as strict liability offenses; this amendment codifies existing case law.

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17959 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

AUG. 24

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 24th day of AUG., 1993.

Corey Donahue

(Signature)

12 1/4" X 2 = \$ 320.00

Pg. 1 of 2

San Diego Municipal Code Section 91.0203 establishes the administrative abatement procedures for the demolition or repair of Unsafe, Dangerous or Substandard Structures. This amendment streamlines existing procedures regarding the Notice and Order, Abatement Hearings, Enforcement Hearing Officer Decisions and Summary Abatement Powers. This amendment also consolidates the administrative abatement authority for substandard residential buildings (formerly Municipal Code Sections 98.0120-98.0126 and 98.0130-98.0150). Section 91.0203 incorporates the new administrative abatement procedures found in Divisions 6 and 7, Article 2 of Chapter I of this Code. These amendments also refer to the new cost recovery procedures found in Article 3 of Chapter I of this Code. The revised abatement procedures found in Section 91.0203 are now consistent with requirements imposed by the State Housing Law.

San Diego Municipal Code Sections 92.0106, 92.0107 and 92.108 designate the enforcement responsibility for the City's Electrical Code with the Director of the Neighborhood Code Compliance Department and the Building Official. These amendments permit the Director or Building Official to use any of the enforcement powers, remedies and procedures found in Sections 91.0201 and 91.0202.

San Diego Municipal Code Sections 93.0103, 93.0109 and 93.0110 designate enforcement responsibility for the Plumbing and Mechanical Code with the Director of the Neighborhood Code Compliance Department and the Building Official. These amendments permit the Director or Building Official to use any of the enforcement powers, remedies and procedures found in Section 91.0201 and 91.0202. Section 93.0111 authorizes the Director of the Neighborhood Code Compliance Department to issue Stop Work Orders for electrical hazards.

San Diego Municipal Code Sections 95.0101, through 95.0117 renumber and reorganize existing provisions of the sign code. These new numbers are now consistent with the uniform standards established by the City Clerk and City Attorney. These amendments establish the administrative and permit responsibility for sign regulations with the directors of Neighborhood Code Compliance Department; thus, references to the Planning Director have been deleted.

The enforcement authority, procedures and remedies for Sign Code violations have been shifted from Section 95.0126 to San Diego Municipal Code Sections 95.0130 through 95.0139. These amendments clarify the remedies and procedures that can be used to abate Sign Code violations and signs placed in the public rights-of-way.

San Diego Municipal Code Section 95.0127 regarding Graffiti Abatement procedures has been shifted to Municipal Code Sections 54.0401 to 54.0411.

San Diego Municipal Code Sections 98.0101 through 98.0107 establish the enforcement authority, remedies and procedures for Housing Code violations. These amendments also designate the Director of the Neighborhood Code Compliance Department as the enforcement official for the City's Housing Code. Designated provisions of the Uniform Housing Code, California Code of Regulations and Sections of the California Health and Safety Code are adopted as part of the City's Housing Code.

These amendments repeal former San Diego Municipal Code Sections 98.0107 through 98.0110 regarding Housing Permits and related collection procedures.

San Diego Municipal Code Section 98.0108 refers administrative abatement authority for substandard residential buildings to Section 91.0203.

A copy of the full text of the ordinance is on file in the office of the City Clerk and available for public inspection.

A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

INTRODUCED ON JUL 13 1993

Passed and adopted by the Council of the City of San Diego on AUG 10 1993.

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By MARY CEPEDA, Deputy

Pub. Aug. 24

277785

$$12 \frac{1}{4}'' \times 2 = \$ 320.00$$

Pg. 2 of 2